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Abstract

There is more responsibility on heaven and earth than dreamt of in most philosophy. This dissertation explores three debates in three sub-fields of philosophy, highlighting in each responsibilities agents find themselves with whether they like it or not. In the chapter *Trust Logic, Not Tortoises*, I propose an answer to Wright's *Justification Question* – to what extent are we justified in our knowledge of logic? – arguing early knowledge of logic is a species of know-how underwritten by dispositions to infer that are themselves often refined into more sophisticated dispositions to infer as we develop. Given how foundational such know-how is to our understanding of the world, we find ourselves responsible for cultivating more sophisticated reasoning, whatever its provenance. In the chapter *Ties that Undermine*, I argue attributions to an agent of moral responsibility are largely influenced by the perceived rareness of that agent's ability to provide aid or prevent harm, degree of aid provided or harm prevented, and cost to that agent in providing aid or preventing harm. Voluntary adoption of such moral responsibility is not necessary for an agent to be morally responsible. I generalize this result to the epistemic domain in the chapter *Speak No Evil: Understanding Hermeneutical (In)justice*, arguing attributions to an agent of epistemic responsibility are also influenced by the perceived rareness of that agent's ability to generate true beliefs in themselves and others, extent of benefit provided and harm prevented by having such true beliefs, and cost to that agent in generating such true beliefs. Here, we see voluntary adoption of such epistemic responsibility is not necessary for an agent to be epistemically responsible. By exploring the relevance of such responsibility to three distinct debates in three distinct sub-fields of philosophy, this dissertation highlights how pervasive responsibility is to the lives of agents, and the work of philosophers.

Acknowledgements

It is trite to say that there are too many people and not enough space to adequately acknowledge contributions to the work that follows. Trite expressions are, of course, often trite for a reason: they are true enough. This truth is magnified by my having spent four years as a PhD student in the philosophy department in the University at Buffalo before spending four years in the Northwestern University philosophy department as a PhD student. In both institutions, many peers, instructors, and advisors became friends, helping illuminate the human side of our discipline and reveal that disagreement – even heated, ideological disagreement – need not undermine intimacy. Though I came to philosophy as an autodidact who struggled to learn from others, my colleagues have made it easy to recognize that enjoying philosophy is, like a good meal, best done with friends. Forgive me if my words fall short of what you each have given me.

Neil Williams, I cannot muster more accurate words than what I wrote when departing Buffalo. Your importance should be on record:

> Neil,
>
> I've never met my father, and prior to graduate school I don't recall ever having a mentor or someone I trusted guiding me towards worthwhile goals. To be candid, I didn't have many friends either. Perhaps because this, I have a difficult time distinguishing father figures from mentors from friends. Perhaps because of this, I think of you as all three.
>
> I could shower praise, but you know what I think already. I could rehearse the gifts you've given me over the years, but you were there. So, let me say something you might not already know: I intend to make you proud, as a father might be proud of his child, a mentor of a mentee, and a friend of a friend.

I hope this work goes some way towards that goal. Barry Smith, who so skillfully developed the field of Applied Ontology, who weds metaphysics and practicality together seamlessly while inspiring a data science revolution, you earned my respect and admiration long ago. I am proud to have been your student; I am excited to participate in your revolution. David Braun, you are the most careful

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you were a star; your dance moves and friendship were always as effortless and admirable as your work. You have all contributed to the philosopher I am today. I like that philosopher; thank you.

I came to Northwestern in part to study with Michael Glanzberg. Though Michael departed for Rutgers, we have remained in contact, continuing our working relationship and – if I may – friendship. Michael was my advisor before his departure and remained on my committee to the end. I don't mean to embarrass him, but I have to say he knows more about logic than anyone I've ever met. He's sketched proofs on the fly in his office impromptu, for problems I'd been struggling to solve for at least a year. I'm not sure you realize how brilliant you are, Michael, but it is surely witnessed. I was sad to hear you were departing for Rutgers, but happy to say you certainly deserve such accolades.

The first time I met Sandy Goldberg, he'd been away from the department for a year or so, and immediately apologized to me for not having introduced himself before that moment. Sandy selflessly stepped in as the chair of my committee after Michael Glanzberg's departure for Rutgers, and the kindness he exhibited in that first meeting has been sustained throughout our subsequent interactions. I doubt I've argued with anyone over such a range of topics, epistemology, logic, philosophy of mind, degree requirements, pride, the list continues. You remained a cornerstone of patience, support, and integrity throughout our time together. Though we spoke just days ago, I already miss our discussions. Just as much such praise should be given to Jennifer Lackey and Baron Reed, who joined my committee alongside Sandy. Jennifer shines as an example of how mastery of philosophical skills can be employed to change lives. Jennifer, it was an honor working with other motivated graduate students under your guidance in the Northwestern Prison Education Program and learning from you has always been a highlight of my time here, whether sitting in on your seminars or working through your excellent feedback. Baron - incomparably creative, incredibly

funny, and just generally nice to be around – taught the first seminar I took at NU and made such a lasting impact. That History of Skepticism seminar led to the first chapter of this dissertation. For what it's worth, that seminar has also stood as the standard against which other seminars have been assessed. I know I am a better philosopher for having worked with you on this project. Indeed, this much could be said about everyone on my committee. Through a pandemic, various dissertation ideas, the time commitments of our various outside projects, and routine meetings in the epistemology reading group or logic reading group or seminars, I've refined my knowledge as a philosopher under the guidance of my committee members. They have at times had to drag me through this process, but I commend them for doing so patiently, respectfully, and while validating my efforts and philosophical growth.

In addition to working with Michael, I'd come to Northwestern to work with Fabrizio Cariani as well. Fabrizio departed around the same time as Michael, though much like with Michael we've remained in contact since and I consider Fabrizio – if I may – a friend. Whether arguing over the acquaintance relation in reading groups or counterfactuals in seminar or being so engaged in conversation with you that I almost ram a pillar in a Target parking garage, your presence is always delightful, desirable, and worth attention. I was sad to see you go, but happy to know others would have the opportunity to learn from you.

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Acknowledgements could continue for the remainder of the document; there are always so many people who deserve thanks. I must thank Jose Medina, under whom I wrote the third chapter of this dissertation and had the pleasure of TA-ing for, for one quarter. During department talks, I often felt a little electricity when Jose asked questions; largely because I knew I would learn something. Will Paris, who was a post-doc at Northwestern for a time and with whom I had the pleasure of TA-ing, I cannot wait to see how bright your star shines, my friend. Thank you for helping me revise the third chapter, and for all the other joys you brought to my life. Mark Alznauer, you taught me so much about existentialism during my time as your TA. You were the first faculty member I spoke to face-to-face in a meeting, and though we worked in different areas, we found common ground over Graham Priest's interpretation of Hegel. Incidentally, I suppose I should thank Graham too; watching you and David Braun argue about indexicals over wine at 1am in

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Introduction

We at once exist at a time, over time, in groups at times, and over times. We find ourselves in the world, as members of groups and cultures, equipped with beliefs, desires, hopes, dreams, and – perhaps most importantly – responsibilities to ourselves and others. Most of us do not know when we learned, for example, that dogs are mammals; we believe dogs are mammals nonetheless. Most of us do not know when we learned to use rules of logic codified in formal systems like first-order logic, or learned to evaluate agents and actions for varieties of responsibility. Most of us nevertheless reason in line with such rules of logic, and assess responsibility in predictable, systematic, ways. This dissertation explores knowledge, dispositions, and responsibilities which we find ourselves with by investigating the foundations of our logical knowledge as well as what underwrites our inclinations to attribute moral and epistemic responsibilities in various circumstances.

More specific details for each article will be provided below, but a short survey here will help set the stage. The first article of this project begins with logical foundations. In *Trust Logic, Not Tortoises*,[1] I explore answers to Crispin Wright's *Justification Question* – to what extent are we justified in our knowledge of logic? As persuasively argued by Saul Kripke and Romina Padro, agents cannot intentionally adopt certain logical truths codifying rules of reasoning - such as universal instantiation - as guides in reasoning. We nevertheless find ourselves codifying and employing such rules. By way of explanation, I argue early knowledge of logic is know-how which we often later codify as logical propositions and rules of reasoning, and some use these identified rules to cultivate more accurate, sophisticated, reasoning skills. We thus find ourselves with refinable logical know-how which we did not voluntarily adopt. We are responsible for the application of and proper use of this know-how,

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[1] (Beverley, R&R)

given how foundational such knowledge is to our understanding of the world and dealings with others. We are, indeed, responsible for cultivating this know-how, for the same reasons. Having plumbed the depths of our logical foundations, the next article explores responsibility in the moral domain. More specifically, in *Ties that Undermine*[2] I argue attributions to an agent of moral responsibility are influenced by the perceived rareness of that agent's ability to provide aid or prevent harm, degree of aid provided or harm prevented, and cost to that agent in providing aid or preventing harm. I argue attending to these morally salient features of circumstances provides a more plausible explanation for moral judgments concerning responsibilities biological parents bear towards their offspring, than explanations that appeal to biological relations themselves. Moreover, such morally salient features of circumstances are – it seems – generalizable to domains other than the moral, as evidenced by the next article in this project. In *Speak No Evil: Understanding Hermeneutical (In)justice*,[3] I argue attributions to an agent of epistemic responsibility are influenced by the perceived rareness of that agent's ability to generate true beliefs in themselves and others, extent of benefit provided and harm prevented by having such true beliefs, and cost to that agent in generating such true beliefs. In this latter paper, I leverage the moral responsibilities identified in *Ties that Undermine*, alongside the epistemic responsibilities identified in *Speak No Evil* to add substance to Miranda Fricker's widely discussed characterization of hermeneutical justice.

In each of these three papers we find a common theme: agents may find themselves responsible without voluntarily adopting responsibilities. Agents appear to bear what we might think of as logical responsibilities to cultivate logical know-how which they find themselves with as

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[2](Beverley, 2016).

[3](Beverley, 2021).

maturing thinkers; agents appear to bear moral responsibilities to aid others and prevent harm in certain circumstances, simply because they can; agents too bear epistemic responsibilities to improve the epistemic situation of themselves and others in certain circumstances again, because they can. And by exploring the relevance of such responsibility to three distinct debates in three distinct sub-fields of philosophy, this project highlights just how pervasive responsibility that has not been expressly adopted – and *a fortiori* responsibility in general – is to the lives of agents. In the next three sections, we expand on each of these articles and their respective contributions to this project.

Trust Logic, Not Tortoises

When considering applications of rules of logic, we often take the rules to wear their justification on their sleeves. It is not, however, unreasonable to seek further justification and much discussion has been given to what Crispin Wright calls the *Justification Question*. The Justification Question concerns the extent to which we are justified in our knowledge that logical propositions are true. Addressing this question is important, as logical propositions[4] are thought to have normative force[5] on agents.[6] Whether logical propositions are associated with prescriptions or evaluations against some standard, our advice and assessments with respect to logical propositions are forceful insofar as they are justified.[7]

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[4] I use "logical propositions" as synonymous here with "logical truths".

[5] (Wright, 2018).

[6] Though see (Pierce, 1864) and (Levi, 1997) for defenders of descriptivism about logic.

[7] Authors also differ insofar as to what logic is supposed to be normative for. For example, some argue logic is normative for a certain sort of cognitive process: reasoning. On such a proposal, logical propositions may play a role as guides in, say, belief revision. Whether logic is normative for

What exactly are we thought to know with respect to logical propositions? Frequently, truth is characterized in terms of a formal theory, consisting of syntactic or grammar rules and semantic or truth values. Logical propositions are represented in formal theories as, for example, underived object-language axioms[8] or asserted meta-language constraints.[9] When represented in an object-language, they are considered tautologies, true on any assignment of truth values or true in any model. When represented as meta-language constraints, they are assumed true by stipulation and can be represented in the object-language by a proof from no premises. If the Justification Question solely concerns our knowledge that tautologies are true, then we have an easy – albeit unhelpful - answer: we are justified in knowing logical propositions are true because we can prove they are in a formal theory. On the other hand, if the Justification Question concerns our justification for the truths of stipulated logical propositions constraining a formal theory, then the question concerns whether our stipulations are justified. This reading does not permit an easy answer and is the reading adopted in this chapter.

Many have attempted to answer the Justification Question. Quine, for example, suggested logical propositions are justified like empirical propositions, with respect to theoretical virtues of the whatever theory they constitute.[10] Boghossian argued certain logical propositions can be justified by

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reasoning is contested, in large part owing to the plausible view that doxastic attitudes are not under voluntary control (Alston, 1989), (Harman, 1986).

[8] $P, P \rightarrow Q \vdash Q$.

[9] For any closed sentences P, Q, of the language L, and valuation function v: if v(P) and v(P $\rightarrow$ Q) then v(Q).

[10] (Quine, 1951).

circular arguments,[11] as did Hegel.[12] BonJour[13] appealed to a "rational faculty" as the source of *a priori*, non-inferential, justification for logical propositions. Wright himself suggested we are "entitled" to logical propositions, where he claimed entitlement was an unavoidable, non-evidential, type of belief without which inquiry cannot be pursued.[14] Not one of these proposals, unfortunately, is entirely satisfying. Wright has been accused of changing the subject by replacing the epistemic notion of justification with a notion of entitlement that seems entirely practical.[15] BonJour's rational faculty runs against widespread inclinations towards naturalism. Boghossian's proposal – like Wright's – appears to rely on practical rather than epistemic justification. Quine's suggestion has been criticized as unclear at best and incoherent at worst.[16]

As much attention as the Justification Question has had, much less attention has been paid to nearby metaphysical questions one might conjure. That said, recently compelling reasons have been offered for taking more seriously the *possibility* of adopting basic rules of logic. Saul Kripke and Romina Padro have revealed conditions under which it is *im*possible for agents to adopt such rules. *Trust Logic, Not Tortoises* explores consequences this discovery has for answers to the Justification Question. In more detail, I examine Kripke and Padro's recent argument that basic rules of logic - such as universal instantiation - cannot be adopted. I then apply this lesson to two putative answers

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[11](Boghossian, 2000).

[12](Hegel, 1812, 34) *Science of Logic*

[13](BonJour, 1998).

[14](Wright, 2004), (Wright, 2014), (Wright, 2018).

[15](Jenkins, 2007).

[16](Padro, 2015), (Wright, 2018).

to the Justification Question - Carnap's doctrine of logical conventionalism and Quine's holism - finding each runs afoul of Kripke and Padro's result. Diagnosing the issue, I find logical rules appear to require explicit acceptance if they are to guide our inferential practices, and this is what led to trouble for Carnap and Quine. I next examine two answers to the Justification Question that avoid similar trouble. On the first proposal, explicit acceptance of basic rules of logic is weakened to implicit acceptance – regular behavior in accordance with the rule. After arguing this option both avoids Kripke and Padro's negative result and provides a *prima facie* plausible answer to the Justification Question, closer inspection reveals the proposal has significant costs. This motivates considering an alternative proposal. On the second proposal, requiring basic rules of logic be accepted at all is dropped by rejecting these rules have propositional content. Rather, on the model of Michael Devitt's recent work concerning linguistic competence, basic rules of logic are defended as embodied know-how. As before, after arguing this option avoids conflict with Kripke and Padro's negative result and offers a *prima facie* plausible answer to the Justification Question, inspection reveals costs. Nevertheless, it is argued nearly every cost is one shared by the first option, and those costs peculiar to this option are worth paying. Altogether then, I provide two ways to answer the Justification Question while respecting the Adoption Question and argue the second is preferable.

Either of these two ways of addressing the Justification Question relies on the fact that we find ourselves with refinable logical know-how which we did not voluntarily adopt. Since this logical know-how frames our beliefs and knowledge we are - I add here - responsible for cultivating better reasoning skills. Most children develop sophisticated reasoning abilities as they age,[17] through combinations of brain maturation, education, and adaptation. Children learn, for example, to reason

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[17] (Politzer, Bosc-Mine, Sander, 2017).

in alignment with valid deductive argument patterns more accurately as they develop[18] and alignment

with such patterns - representable as logical propositions - provides a foundation for more

sophisticated reasoning, e.g. inductive, counterfactual, heuristic, used later in life. Developing agents

often engage in sophisticated reasoning without explicit awareness of these patterns, just as agents

may play pool without understanding analytic mechanics.[19] These foundations, however, influence

how we conceptualize our projects, arrange our futures, and navigate the world.[20] In short, the

foundations of our reasoning abilities *frame* our engagement with the world and provide *frameworks*

through which we engage. Uncovering such frameworks is challenging, like a fish looking for water.

Nevertheless, given the foundational role such framing plays in our moral and epistemic lives, it is

incumbent on us to explore and cultivate accurate, reliable, reasoning skills.

Ties that Undermine

In the next article of this dissertation we turn away from the rarified air of formal logic to the realm

of applied ethics. More explicitly, we explore explanatory gaps in biological explanations provided by

philosophers who seek to explain judgments of moral responsibility when considering cases

involving parental or familial ties to children. Such biological explanations come in at least two

flavors. Some argue a mere biological relationship between a biological father and his offspring at

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[18](Rips, 2010)

[19](Pierce, 1869). *Grounds of Validity in the Laws of Logic.*

[20]An analogous point is made among linguists, codified in a version of the Sapir-Whorf Hypothesis:

 "The language an agent uses constrains some areas of cognition." Not to be confused with the

 stronger – false – version which claimed that an agent's language constrains all cognition.

least partially grounds the biological father's responsibility to care for that child.[21] I call this the *Partial Thesis*. For advocates of the Partial Thesis, a biological father should, for example, donate bone marrow to their offspring whose life would be saved by the donation *in part* due to the biological relation between himself and his offspring. Some argue further that biological relations *alone* ground responsibilities held by biological fathers.[22] I call this the *Sole Thesis* and observe advocates claim a biological father should donate bone marrow *solely* due to biological relations. Opponents of both theses find such explanations unsatisfying for numerous reasons. For instance, it is not clear what *delimits* a biological relation. Individuals have various biological relations. Arguably, each could ground responsibility. Furthermore, it is not clear whether *degree* of biologically relatedness is important. If a neighbor's child shares more of my biological makeup than my own offspring does, will I have more responsibility to my neighbor's child than my own? More importantly for our purposes, it is not clear *how* biological relations ground responsibility. On this last point, opponents of both theses urge the alleged grounding of responsibility on biological relations seems mysterious[23] or implausible[24] at best, and trivial or unhelpful at worst.[25] I tend to agree with the opponents of the Sole Thesis who find it indefensible. Additionally, I think a strong case can be made against the Partial Thesis.

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[21]See (Abegg, 134-140), (Kolodny, 43-47), (Lemmons, 2), (Jeff McMahan, 226; 375), (Page, 187-189), and (Velleman, 147-154) for a start.

[22]See (Peach, 4-7) and (Schwarz, 118).

[23](Boonin, 229).

[24](Weinberg, 169).

[25](Tulli, 23-25).

I first work through scenarios illustrating features typically considered relevant to responsibility, pointing out when and why advocates of the Sole Theory have trouble explaining these scenarios and why Partial Theorists are in better shape. I then argue, with respect to an often-discussed scenario involving a sperm donor whose offspring requires bone marrow to survive, the implicit rarity between the biological father and offspring likely grounds responsibility. I conclude this section noting that appealing to such rarity – which I call "Uniqueness" for the sake of this article - adequately explains such scenarios. Noting the above explanation does not definitively undermine the Partial Thesis, I then argue in favor of the Uniqueness explanation, rather than appealing to biological relations, by responding to several objections. The first response establishes an *additional* responsibility stemming from Uniqueness. I claim this explains *how* Uniqueness grounds responsibility. The second response undermines the Partial Thesis by arguing that the *additional* responsibility explanation is unavailable to them, and that it is not clear *how* biological relations are supposed to ground responsibility. I then address concerns that the arguments presented against the *Partial Thesis* might seem question-begging, by noting my conclusion is best understood as applying pressure on advocates of the *Partial Thesis* to address apparent counterexamples, some informed by philosophical theorizing and some informed by empirical research on attributions of responsibility. These results strongly suggest, moreover that Uniqueness, rather than biological relations, provides the best explanation for a range of bioethics cases often touted as favoring biological explanations of moral responsibility attributions. I close this section by expanding on the role Uniqueness plausibly plays in a more general normative theory, as one morally relevant contextual feature of scenarios that influences responsibility, among others. In doing so, I defend these features by responding to concerns that they may be too demanding, arguing they can be overridden by other morally relevant features of scenarios.

The explanation defended in this article maintains that agents may find themselves morally responsible for aiding others even in scenarios where those agents have expressly eschewed responsibility. Other factors, such as degree of harm one can expect to prevent by helping and rarity in one's ability to provide help, may magnify standing responsibilities each of us has to help one another when we can. Much like we find ourselves responsible for logical know-how we did not voluntarily choose to adopt, we also find ourselves morally responsible for others though we did not voluntarily choose that responsibility. Across the domains of logic and ethics, we may find ourselves with responsibilities regardless of whether we adopted them, and this theme is expanded to the epistemic domain in the last article of this project.

Speak No Evil: Understanding Hermeneutical (In)justice

This article explores both moral and epistemic responsibilities we find ourselves with, regardless of adoption. Such responsibilities are explored through the lens of Miranda Fricker's influential account of *Hermeneutical Injustice*, emerging when gaps in collective hermeneutical resources stemming from prejudice result in members of marginalized groups being unable to render harmful experiences intelligible to themselves or others.[26] For example, prior to the introduction of the term "sexual harassment," there was a gap in the relevant collective understanding – the intersection of hermeneutical resources among groups that just about anyone can be expected to draw upon and be understood by anyone else.[27] This lacuna hindered attempts by, say, women harassed in the workplace, from fully understanding these harmful experiences.

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[26](Fricker, 2007, pg. 1; Fricker, 2016, pg. 166)

[27](Fricker, 2016, pg. 161)

Fricker's original presentation of Hermeneutical Injustice left open theoretical choice points leading to criticisms[28] and subsequent clarifications[29] with the resulting dialectic appearing largely verbal. The absence of perspicuous exposition of hallmarks of Hermeneutical Injustice might suggest scenarios exhibiting some – but not all – such hallmarks are within its purview when they are not. The lack of clear hallmarks of Hermeneutical Injustice, moreover, obscures both the extent to which Fricker's proposed remedy *Hermeneutical Justice* – roughly, virtuous communicative practices – adequately addresses the injustice, and the accuracy of criticisms suggesting that Hermeneutical Justice is insufficient to the task. After briefly defending necessary and sufficient conditions for what I take to be the best candidate interpretation of Hermeneutical Injustice, I defend a rigorous explication of Hermeneutical Justice. It is here where we uncover responsibilities in line with the theme of this dissertation.

More specifically, after arguing in favor of necessary and sufficient conditions for Hermeneutical Injustice, I explicate Hermeneutical Justice as the cultivation of virtuous conversational skills directed towards charitable understanding of marginalized speakers. I articulate epistemic and moral aspects of Hermeneutical Justice as independently motivated context-sensitive standing responsibilities we all share and - building on the results of *Ties that Undermine*[30] - observe one consequence of understanding Hermeneutical Justice in this manner is that certain agents may bear substantial responsibilities in contexts exhibiting Hermeneutical Injustice. Noting Fricker might balk at such a consequence since Hermeneutical Injustice is a structural injustice often lacking

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[28](Dotson, 2012; Mason, 2013; Medina, 2013).

[29](Fricker, 2016).

[30](Beverley, 2016; Beverley & Beebe, 2017).

perpetrators, I show there is conceptual space in Fricker's account for responsibility I claim should constitute Hermeneutical Justice, suggest the proposed context-sensitive principles may provide responses to critics who question the efficacy of Fricker's characterization of Hermeneutical Justice, and illustrate how these principles provide clear mechanisms for analyzing responsibility among clinical psychologists and in cases where marginalized individuals might be expected to educate privileged individuals. Given the explanatory benefits, plausibility of applications, etc., I conclude Fricker has overwhelming reasons to adopt the explication of Hermeneutical Justice offered here.

This article additionally provides an example of how we find ourselves not only with moral responsibilities but also epistemic responsibilities which – again – we may not have voluntarily adopted. These moral and epistemic responsibilities seem a consequence of the fact that we are social creatures, enmeshed in communities with others, extended over time, learning and teaching, trusting and deceiving, helping and harming, living and dying. And much like we find ourselves with knowledge – logical or otherwise - we do not recall acquiring, we also find ourselves bearing responsibilities to ourselves and others we do voluntarily acquire. Given the complexity of human lives, moreover, it seems no full account of such responsibilities can focus solely on morality, logic, epistemology, or other sub-field of humanistic study. Responsibility is – as each of us are – woven from a range of fabrics, comprising multifaceted patterns.

Trust Logic, Not Tortoises

Synthese 2021

Revise and Resubmit

Abstract

I examine Kripke and Padro's recent result that basic rules of logic - such as universal instantiation - cannot be adopted, and apply this lesson to two extant answers to the Justification Question, i.e. how are basic rules of logic justified? One answer was provided by Carnap's doctrine of logical conventionalism; another by Quine's holism. I argue each suffers from adoption-related problems. Having observed requiring explicit acceptance of basic rules guiding our inferential practices led to adoption-related trouble for Carnap and Quine, I then construct two additional answers to the Justification Question that avoid similar trouble. On the first proposal, explicit acceptance of basic rules of logic is weakened to implicit acceptance – regular behavior in accordance with the rule. After arguing this option both avoids Kripke and Padro's negative result and provides a prima facie plausible answer to the Justification Question, closer inspection reveals the proposal has significant costs. On the second proposal, requiring basic rules of logic be accepted at all is dropped by rejecting that these rules have propositional content. Rather, on the model of Michael Devitt's recent work concerning linguistic competence, basic rules of logic are defended as know-how rather than propositional knowledge. As before, after arguing this option avoids conflict with the negative results of the Adoption Question and offers a prima facie plausible answer to the Justification Question, inspection reveals costs. Nevertheless, it is argued nearly every cost is one shared by the first option, and each is worth paying. I thus provide two ways to answer the Justification Question while respecting the Adoption Question and argue that the second is preferable.

"I'm a firm believer in optimism because without optimism, what is there?"[31]

Introduction

Lewis Carroll's *What the Tortoise Said to Achilles* is familiar lore.[32] The Tortoise and Achilles meet one afternoon, and the latter shows the former an argument of the following form:[33]

(1) $\forall x(Px \rightarrow Rx)$
(2) Pa
(3) Ra

But the Tortoise claims not to understand the move from lines **(1)** and **(2)** to **(3)**; the Tortoise grants **(1)** and **(2)** are true but does not feel obliged to hold **(3)** true in virtue of **(1)** and **(2)**. In response, Achilles supplies the Tortoise with a plausible general rule – universal claims, such as that in line **(1)**, apply to any individual in the domain under discussion, and *a fortiori* the individual denoted by "a" found in lines **(2)** and **(3)**. The Tortoise accepts the general rule, but requests it be added to the premises. Once Achilles grants the addition, the pair is off to the races, with Achilles never able to catch up. Following each additional premise, the Tortoise requests another, and Achilles seems compelled to oblige.

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[31]Saul Gorn, *Compendium of Rarely Used Cliches.*

[32](Carroll, 1895).

[33]I have taken a few liberties in presenting Carroll's regress, but the point remains.

There are many ways to interpret Carroll's puzzle. Some take the lesson to be that there is a difference between implication and inference.[34] Carroll seemed to have this in mind, as evidenced by a letter written to the editor of *Mind,* where the article was published, explaining the puzzle as trading on a conflation of a rule of inference as premise.[35] Others extract more worrisome lessons from the note, e.g. that certain logical rules, such as universal instantiation, are incapable of justification. On this reading, rather than making an illicit request, the Tortoise is revealing a genuine puzzle. When considering the content of a given premise, we often seek justification by examining whether the premise is *true.*[36] In contrast, when considering applications of rules of logic, we often take the rules to wear their justification on their sleeves. What the Tortoise is after on this reading is justification for the rules themselves, a request Achilles is unable to satisfy.[37]

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[34](Russell, 1903) distinguished implication – the form 'if p then q' – from inference – the form 'p therefore q' – and claimed the former held between unasserted, and the latter between asserted, propositions. Hence, the Tortoise's request is illicit. See too (Geach, 1965). (Wisdom, 1974) claims the puzzle conflates object/meta-language.

[35](Dodgson, 1977, p. 472)

[36]We use "content" and "proposition" as synonyms. One way of providing justification for a proposition expressed by, say, the sentence "John has blue eyes" is by observing John has blue eyes. Simple truth correspondence is assumed.

[37](Quine, 1936) and (Boghossian, 2008), among many others, seem to have such a reading in mind.

This last reading falls under what Crispin Wright calls the *Justification Question*[38]- we take ourselves to know certain logical propositions are true, but if this is so, to what is the nature and extent of our justification of that knowledge?[39] Interest in this question makes sense; addressing this question is important. We criticize arguments when they conflict with the truth of logical propositions and train students to identify argument patterns reflecting logical propositions. Logical propositions are thought to have normative force[40] on agents.[41] And whether prescriptive or evaluative, our advices and assessments with respect to logical propositions are forceful insofar as they are justified.[42]

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[38](Wright, 2004, pg. 155) ultimately distinguishes first and second-order versions. The first-order justification question concerns the provenance of our logical knowledge; the second-order justification concerns our knowledge claims.

[39]Wright identifies two other relevant epistemological questions: How does warrant transfer from premises to conclusions? What at the level of movement of thought is inference? (Wright, 2004, pg. 155).

[40](Wright, 2018).

[41]Though see (Pierce, 1864) and (Levi, 1997) for defenders of descriptivism about logic.

[42]Authors also differ insofar as to what logic is supposed to be normative for. For example, some argue logic is normative for a certain sort of cognitive process: reasoning. On such a proposal, logical propositions may play a role as guides in, say, belief revision. Whether logic is normative for reasoning is hotly contested, in large part owing to the plausible view that doxastic attitudes are not under voluntary control (Alston, 1989), (Harman, 1986).

As stated however, the question warrants clarification. In particular, there are a number of things one might mean by "justification" and by "truth". Starting with the latter, for example, among logicians truth is often characterized in terms of a formal theory, consisting of syntactic or grammar rules and semantic or truth values. Logical propositions are most often represented in such formal theories as either object-language theorems[43] or meta-language constraints.[44] Object-language theorems are provable consequences of meta-language constraints. Meta-language constraints are stipulated, provide the logical machinery by which object-language theorems are proven, and can be represented in the object-language. For example, a meta-language constraint of standard sentential logic is "For any propositional variable P of the sentential logic SL, and valuation function v: either v(P) is true or v(~P) is true." This meta-language constraint supports the validity of the SL scheme which we might represent as "ϕ v ~ϕ" where "ϕ" is a sentential variable; the scheme can in turn be represented in the object language by instances such as "P v ~P". For example, using a standard SL natural deduction calculus "P v ~P" can be proven from no premises. Now if, on the one hand, what we are thought to know with respect to the truth of logical propositions is simply that tautologies are true, then we have a trivial answer to the Justification Question: we are justified in knowing logical propositions are true because we can prove they are in a formal theory.[45] If, on the

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[43] P, P$\rightarrow$Q |- Q

[44] For any closed sentences P, Q, of the language L, and valuation function v: if v(P) and v(P$\rightarrow$Q) then v(Q).

[45] This position is more often found among mathematicians rather than philosophers. For example, (Scheinerman, 2000, pg. 8) writes "Statements we know to be true because we can prove them – we call these *theorems*."

other hand, what we are thought to know with respect to the truth of logical proposition refers

instead to meta-language constraints underwriting such proofs, then we have a more substantial task

ahead. I understand the Justification Question as concerned with this more substantial task.

Turning to "justification" in the Justification Question, arguably one might mean either

epistemic or *practical* justification. Epistemic justification is typically claimed to be distinct from, say,

practical justification.[46] An individual suffering from a chronic illness may, for example, have

sufficient evidence to believe they will die soon, but may be practically justified in believing they will

survive, given how such belief may influence their health. Similarly, an individual may be morally

justified in believing her partner is innocent of criminal activity, despite strong evidence to the

contrary. Following Goldberg,[47] the object of epistemic assessment is plausibly an epistemic subject

– broadly construed[48] – who forms mental representations sensitive to information possessed by and

entering the subject. Assessments of justification of a given belief are assessments of features of the

believer as an epistemic subject which bear on the believer's "success in acquiring (interesting) truths

and avoiding error." For example, epistemic justification of universal instantiation might amount to

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[46](Graham, 2010; (Alston, 1988).

[47](Goldberg, 2018, pg. 19-20). As Goldberg notes, there is disagreement over which features of such

a subject are relevant to epistemic assessment. Some assess an "epistemic subject's mental states"

while others assess a subject's "cognitive system", "information processing", counterfactual

behaviors, or fit with possessed evidence.

[48]The characterization of subject employed here is meant to be neutral on whether the subject

herself is thought to be epistemically justified or whether beliefs of the subject are thought to be

epistemically justified (Goldberg, 2018, pg. 18).

reasons for believing universal instantiation leads to greater success in acquiring truths and avoiding error. On the other hand, the object of practical assessment is plausibly an acting subject – broadly construed – who acts based on mental representations sensitive to information possessed by and entering the subject. Assessments of justification of a given action are assessments of features of the subject as a practically rational subject which bear on the actor's success in achieving its practical aims. Practical justification of universal instantiation may amount to reasons for using universal instantiation, say in inferences, in pursuit of one's aims. However, since the Justification Question concerns the extent of our presumed knowledge that logical propositions are true, it seems best understood as concerned with epistemic, rather than merely practical, justification.

Thus, the Tortoise seems after Achilles' epistemic reasons[49] for accepting the truth of meta-language stipulations that underwrite instances of universal instantiation. Unfortunately, the reasons Achilles provides – which result in additional premises to the argument - presuppose the rule itself, with circular justification leading to regress.[50] Various proposals have been offered to provide epistemic justification for our knowledge of logical propositions. For example, BonJour[51] appealed to a "rational faculty" as the source of *a priori*, non-inferential, justification for logical propositions.

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[49]The sense of "justification" is from (Burge, 1993, pg. 458), where justification requires reasons accessible to the agent.

[50](Boghossian, 2001) calls this "grossly circular" justification. They are contrasted with "rule-circular" arguments Boghossian defends as an answer to the Justification Question.

[51](BonJour, 1998).

Wright argued[52] that our cognitive projects could not be pursued without presupposing[53] logical propositions are true,[54] there is no reason to think them false, and much is gained – epistemically speaking, i.e. in terms of truth and evidence - by believing they are true. We are thus, according to Wright, *entitled* to accept logical propositions as true. Boghossian argued certain logical propositions can be justified by circular arguments,[55] as did Hegel.[56] Both Wright and Boghossian have been accused of changing the subject by replacing the epistemic justification with practical or instrumental justification.[57] BonJour's rational faculty runs against widespread inclinations towards naturalism.

This warranted focus on justification has, however, obscured other – metaphysical - questions one might extract from the note. Recently, compelling reasons have been offered for reading the dialogue as concerned with the *possibility* of adopting basic rules of logic.[58] Specifically,

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[52](Wright, 2004, pg. 163-4).

[53](Wright, 2004), (Wright, 2014), (Wright, 2018).

[54]One might worry this makes justification circular, since we must presume they are true to discover they are instrumentally justified. Perhaps, but this is not obviously vicious circularity. The presupposition involved is likely – most defensibly – meant to be tacit, i.e. something we realize we have been presuming before we explicitly presume it. This strikes me as analogous to (some characterizations of) Kant's transcendental argument, which involves reasoning from our current psychological resources to what must be the case for those resources to exist.

[55](Boghossian, 2000).

[56](Hegel, 1812, pg. 34).

[57](Jenkins, 2007).

[58](Padro, 2015)

the note appears to reveal conditions under which it is *im*possible for agents to adopt such rules. This reading falls under what Romina Padro[59] calls the *Adoption Question* – under what conditions can rules of logic be adopted? As it turns out, exploring this question constrains the range of viable answers to the Justification Question.[60] In what follows, we explore a range of answers one might offer to the Justification Question under this new constraint.

More specifically, in **Section 1**, we examine Kripke and Padro's recent argument that basic rules of logic - such as universal instantiation - cannot be adopted. If correct, these observations result in a negative answer to the Adoption Question in certain circumstances. We apply this lesson to two putative answers to the Justification Question - Carnap's doctrine of logical conventionalism and Quine's holism - finding each suffers from adoption-related problems. Having observed requiring explicit acceptance of basic rules guiding our inferential practices led to adoption-related trouble for Carnap and Quine, in **Section 2**, we examine two answers to the Justification Question that avoid similar trouble. On the first proposal, explicit acceptance of basic rules of logic is weakened to implicit acceptance – regular behavior in accordance with the rule. After arguing this option respects Kripke and Padro's negative result and provides a *prima facie* plausible answer to the Justification Question, closer inspection reveals the proposal has significant costs. On the second proposal, requiring basic rules of logic be accepted at all is dropped by rejecting that these rules have

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[59](Padro, 2015, pg. 22)

[60]This is not to overlook Wright's other questions. Plausibly, answers to the Justification Question provides answers to the others, assuming a normative relationship between reasoning and logical rules (Padro, 2015, pg. 10, fn. 14).

propositional content.[61] Rather, on the model of Michael Devitt's recent work concerning linguistic competence, basic rules of logic are defended as embodied know-how. As before, after arguing this option avoids conflict with the negative results of the Adoption Question and offers a *prima facie* plausible answer to the Justification Question, inspection reveals costs. Nevertheless, it is argued nearly every cost is one shared by the first option, and those costs peculiar to this option are worth paying. We thus provide two ways to answer the Justification Question while respecting the Adoption Question and argue the second is preferable.

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[61]A position which presumes that know-how is not reducible to propositional knowledge. This has become a hotly contested issue in recent years and will be discussed below.

Two Versions of the Regress

In this section, we extract a negative answer to the Adoption Question with respect to basic rules of logic. Lesson in hand, we turn to two putative answers to the Justification Question: Carnap's logical conventionalism and Quine's holism. We show each conflicts with the negative answer to the Adoption Question. We thus set the stage for the next section, where we evaluate two answers to the Justification Question that lack such conflict.

Kripke's Regress

Kripke and Padro[62] have suggested the moral to which Carroll is attempting to draw our attention is deeper than justification. It concerns, rather, the conditions under which one may adopt certain basic rules of inference. Indeed, Kripke and Padro interpret Carroll as observing certain basic rules of logic are *impossible*[63] to *adopt*. According to these authors, an agent is said to adopt a rule of logic just in case the agent picks up a way of inferring according to the rule - something the agent was not able to do before - on the basis of the acceptance of the logical rule,[64] where acceptance is

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[62](Padro, 2015).

[63]This is the *logical* sense of possibility (or perhaps *metaphysical* sense), rather than, doxastic, epistemic, or deontic sorts.

[64](Padro, 2015, pg. 38; 42).

understood as a doxastic attitude.[65] Roughly, what makes adoption impossible under these circumstances is that adoption presupposes the rule to be adopted.[66]

To see how this argument works, return to Achilles and the Tortoise. On the reading under consideration, the Tortoise is not merely questioning whether universal instantiation is justified but has never inferred in accordance with universal instantiation and so has not otherwise accepted it. The Tortoise is, in effect, asking for both clarification and justification from Achilles but Achilles is only able to reiterate the rule. This is no help to the Tortoise. For if the Tortoise never inferred according to universal instantiation, then telling the Tortoise the rule for universal instantiation is moot. This is because for the Tortoise to accept that line **(1)** is an instance of the general rule governing instances of universal instantiation – every statement of the form found in **(1)** is a universal statement – requires the Tortoise accept the general rule. But observe, the general rule governing universal instantiation is *itself* a universal statement, *precisely* what the Tortoise has not

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[65]Acceptance is traditionally understood (Stalnaker, 1984, pg. 79-81; Stalnaker, 2002, pg. 716; van Frassen, 1980; Bratman, 1999) as distinct from belief in being voluntary and perhaps directed at content the agent takes to be false. A physicist may, for example accept a theory without taking it to be *true* strictly speaking, and so not believe the theory. Yet, the physicist's research may be based on this acceptance nonetheless. In **Section 2**, we weaken the "voluntary" feature of acceptance. If this is unforgivable, call it acceptance* for our purposes.

[66](Boghossian, 2003) has a similar reading of Carroll, though drawn from considering the Justification Question. (Hanna, 2007)'s *logocentric predicament* - a phrase from (Sheffer, 1926) – 'to give an account of logic we must employ logic,' also seems a similar reading, and is also motivated by the Justification Question.

accepted. Kripke and Padro take this to strongly suggest it is impossible for the Tortoise to adopt universal instantiation.

By way of clarification, observe for adoption the Tortoise must infer according to the rule "on the basis of" the rule, where "on the basis of" is not to be understood as merely causal.[67] It would not, for example, count as adopting universal instantiation for the Tortoise to simply be told the rule and that telling cause the Tortoise to infer. That would leave the possibility of adoption hostage to fortune.[68] Rather, "on the basis of" is to be understood as reflecting grounds for which the Tortoise infers, i.e. the Tortoise must infer according to the rule *because* the Tortoise has accepted it. This is because to adopt a rule, as Kripke and Padro understand, is to be guided by the rule, and "…if the principle is going to function as a real guide…acceptance of it should constitute his grounds for inferring according to it."[69] The Tortoise adopting universal instantiation seems to

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[67](Padro, 2015, pg. 41-43).

[68]Might Achilles successfully propose an imperative: 'From any universal statement, deduce any instances'? One might think were the Tortoise to adopt this imperative the puzzle would dissolve. Putting aside issues with the imperative (deduce *every* instance; that's impractical), this will not help. For the Tortoise to recognize **(1)** falls under the imperative presupposes universal instantiation, just as in the previous case. Shifting speech acts is no help.

[69](Padro, 2015, pg. 42).

require the Tortoise be guided by universal instantiation, which requires the Tortoise to have already accepted the rule. The cart is then before the horse; that is the problem.[70]

The conclusion drawn by Kripke and Padro is that under the preceding conditions, it is impossible for the Tortoise to adopt universal instantiation, but in what sense is this impossible? Padro suggests the sense of impossibility at play is *epistemic* though this is not spelled out in much detail. A standard way of understanding epistemic possibility is in terms of compatibility with what agents know. Transposed to this discussion then, to say that for the Tortoise it is epistemically impossible to adopt universal instantiation, is to say that for the Tortoise adopting universal instantiation is incompatible with what the Tortoise knows. But this cannot be quite right. Indeed, given that the culprit is what the Tortoise *does not know*, namely, universal instantiation, it seems incorrect to say the issue is epistemic modality. For all the Tortoise knows (and does not know), it could adopt universal instantiation, since arguably nothing the Tortoise does know excludes this possibility. It seems then that understanding the modality involved in the conclusion as epistemic leads to the claim that it is epistemically possible for the Tortoise to adopt universal instantiation.

Better to say that it is metaphysically impossible – cannot be true in any world – that that Tortoise under these conditions accepts universal instantiation as a genuine guide in its inferential practices. As far as the Tortoise knows, such adoption is epistemically possible, and this need not be affected by its metaphysical impossibility. An agent, for example, it might be epistemically possible

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[70]One sees a similar worry motivating Kant's discussion of objects (Kant, 1997; Sec. 7-9) where he observes without previously grasping the notion of an object, one could not grasp the notion of an object.

that Superman and Clark Kent are different people, despite this being metaphysically impossible. For these reasons, I read Kripke and Padro as establishing a metaphysical claim concerning the conditions under which agents may adopt certain rules in inferential practices, rather than as establishing an epistemic impossibility with respect to the Tortoise.

Clarifications in hand, note that if correct, Kripke and Padro have identified a rather special non-empty class of logical rules – those that cannot be adopted. Universal instantiation seems a good candidate, as does perhaps *modus ponens*.[71] Moreover, many familiar logical rules plausibly fall outside this class. For example, if we revise the dialogue between the Tortoise and Achilles so that the former has previously inferred according to, say, modus ponens, and the latter is examining a proof involving, say, *disjunction introduction*,[72] it seems the Tortoise may accept this rule without problem. For accepting disjunction introduction does not require previous acceptance of disjunction introduction, and so the Tortoise's acceptance of this rule may ground relevant inferences. Hence, while Kripke and Padro appear to have identified a non-empty class of basic logical rules, this class is non-trivial.

The Adoption Question asked under what conditions adoption of logical rules is possible; here we see conditions under which adoption of basic rules is *im*possible. While perhaps not immediately obvious, this result has consequences for answers to the Justification Question.

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[71]In symbols: P, P$\rightarrow$Q |- Q. We need not specify all members of the class to make the point; all that is needed is the class be non-empty.

[72]In symbols: P |- (P v Q).

Carnap's Logical Conventions

Carnap's doctrine of logical conventions was an attempt to provide an empirically tractable explanation and justification of logical truths.[73] According to Carnap, linguistic conventions in general were essentially stipulations of sentence truth accepted largely on pragmatic grounds, which we "are free to choose and continue to use."[74] Such stipulation, moreover, provided implicit definitions for expressions involved in said sentences. Applied to logical truths, stipulation via linguistic convention resulted in a set of axioms and rules assumed to be true, which in turn implicitly define logical constants involved in them. For example, one might stipulate any sentence of the form: "ϕ v $\sim\phi$" is true.[75] According to Carnap, this stipulation - reflecting the law of excluded middle - in combination with other stipulations for the language with which we are working, determines the meanings of the logical constants, in this case, "v" and "~". Moreover, given this stipulation, and further acceptance of derivation rules governing these linguistic conventions, we can deduce an infinite number of instances of our stipulated logical truths.[76] That is a tidy result.

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[73](Carnap, 1934), (Ayer, 1946).

[74](Carnap, 1956).

[75]I am sloppy here with use-mention, but context disambiguates. Greek letters are propositional variables; "v" denotes propositional logic disjunction; "~" denotes propositional logic negation.

[76]"…logical truths, being infinite…must be given by general conventions rather than singly…" (Quine, 1984, pg. 108).

Carnap's characterization of logical truths as stipulated convention accompanied by deductive rules showed how logical truths may be empirically agreeable.[77] We need not look out into the world to determine whether a given logical truth is, in fact, true; the issue is decided by fiat, and motivated by pragmatic considerations. Additionally, inferences were themselves evaluable based on these stipulations, providing one the resources to distinguish good inferences from bad.[78] These observations suggest a plausible reading of Carnap as providing an answer to the Justification Question. Recall, the question asked what justifies our presumed knowledge of basic rules of logic. Carnap's answer is that our knowledge of these stipulations – that they are true – is relative to a language in which they are used. Internal to the language, assuming we have avoided stipulations generating syntactic inconsistency, rules of logic are justified insofar as they contribute to a

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[77]Carnap claimed to "…combine the basic tenet of empiricism with a satisfactory explanation of the nature of logic and mathematics," avoiding the 'pure intuitions' of Kant and the 'naïve empiricism' of Mill (Carnap, 1963, pg. 47).

[78]For Carnap, differing analyses of the validity of an argument depends on differing languages. If, say, classical and intuitionist logicians disagree over the validity of an argument, they are talking past one another. As (Restall, 2001, pg. 4) puts the point, in distinguishing Carnapian tolerance from logical pluralism, "…disputants…over the validity of an argument literally disagree in their *reading* of the argument…there can be no real disagreement."

consistent formal theory. External to the language, rules of logic are justified insofar as they serve their purpose, determined on pragmatic grounds.[79]

Quine[80] famously targeted Carnap's doctrine of logical conventions with Carroll's note. Quine claimed for Carnap's proposal to work – for logical truths to be established by stipulation – one will require logical inferences that are not simply the result of stipulation. For example, were we to stipulate as a convention that all replacements of propositional letters "P" and "Q" in "If P and Q, then P" resulted in logical truths, then to apply this to an instance, the instance must be connected somehow to that stipulation. A natural way to provide a bridge is by appealing to a rule of the form: "All replacements of "P" and "Q" in "If P and Q, then P" by sentences are logical truths." That would do the trick, but since the statement of the rule lacks empirical content, it must itself be stipulated. That, of course, leads to a Carroll-style[81] stipulation regress. Quine concludes from these observations that Carnap's notion of logical truths as a matter of convention cannot work.

Quine's deployment of Carroll's note catches Carnap in a regress, but with Kripke's reading of the note we might raise further trouble for Carnap. For Carnap, logical conventions are *explicit* stipulations, and so must be represented in some manner by the stipulator. Clearly, many of us infer according to universal instantiation, but if Carnap is correct it seems each of us at some time must

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[79](Carnap, 1950, pg. 17) gestures at a distinction between what we might call questions of internal justification and those of external justification, which tracks his general distinction between internal/external questions.

[80](Quine, 1936), (Quine, 1954).

[81](Quine, 1984, pg. 108).

have explicitly stipulated universal instantiation as a rule guiding our inferential practices.

Presumably, it follows each of us must have then accepted universal instantiation as a rule. But this

is precisely the sort of case Kripke's reading of Carroll's note rules out. Accepting universal

instantiation to guide our inferential practices cannot require prior explicit acceptance of universal

instantiation. Hence, Carnap's explicit stipulation requirement is too demanding. Now, a natural

suggestion at this point is to weaken the claim that stipulations be explicit, relying instead on, say,

implicit stipulations. This is, in fact, a strategy Quine considered on behalf of Carnap as a way to

avoid the regress raised above.[82] According to this strategy, we either come equipped with or

implicitly accept stipulations through behavior without initially representing them in, say, words.

Insofar as this strategy avoids requiring agents explicitly accept basic rules of logic, it seems to avoid

adoption-related worries. That said, Quine claimed this strategy undermined the justificatory role

Carnap intended logical conventions to play, since it is not obvious how to distinguish behavior

following implicit conventions from merely regular behavior. Moreover, if we are not in a position

to distinguish implicit stipulations from merely regular behavior, it makes little sense to appeal to the

former as explaining anything, for it is not at all clear what explanatory role – if any - they play.[83]

Indeed, in "dropping…explicitness from… linguistic convention we risk depriving [it] of any

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[82](Quine, 1936, pg. 98).

[83](Quine, 1936, pg. 99). It is worth noting claiming implicit stipulations are widely or firmly accepted

provides little help, since regular empirical claims share this feature as well, and are presumably not

stipulated truths.

explanatory force and reducing it to an idle label."[84] If Quine is correct, implicit stipulation is not an option for Carnap.[85] Consequently, it seems Carnap's logical conventionalism is undermined on at least two fronts. From Quine we learn logical conventionalism is susceptible to a justification regress; from Kripke we learn logical conventionalism makes false predictions with respect to how agents acquire basic logical rules.

Quine's Tangled Web of Belief

As an empiricist, Quine was sensitive to the fact that undermining Carnap's attempt at providing an empirically tractable notion of logical truths demands some alternative explanation. According to Quine, logical, mathematical, and scientific claims were on par in their respective dependence on experience, all interconnected in a web of belief. Evidence gleaned from experience was claimed to have more of an influence on the outskirts of the web, but ultimately there was no aspect of the web off limits to revision in light of experience. Claims in the web, moreover, were related to other claims in the web via logical connections, so that changes in one portion of the web would thereby entail changes in others. Various theses constitute Quine's counterproposal, e.g. sentence meaning is determined holistically, confirmation is done at theory level, no sentence is immune from revision.[86] For simplicity, call the collection of these theses Quine's *holism*.

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[84](Quine, 1936, pg. 100). Quine seems skeptical one gains anything by calling a stipulation "implicit", over and above calling mathematical truths *a priori*, or behavioral statements *firmly accepted*.

[85]We return to this in **Section 2** where we articulate a parallel view and consider whether Quine's worries are persuasive.

[86]Thanks for Sean Ebels-Duggan for helping me keep Quine's assorted theses straight.

Quine considered holism an improvement over Carnap's proposal. Rather than there being a difference in kind between stipulated truths and empirical truths, there was merely a difference in degree. Accordingly, Quine found no need to separate logical truths from the rest of our knowledge; logical truths are empirically justified like everything else. Just as empirical evidence for claims on the periphery provide justification for those claims, with the logical connections kept in mind, empirical evidence also provides justification for claims near the center of the web, i.e. logical truths. Quine thereby provides a replacement answer to the Justification Question - Why are basic logical rules justified? Because they are confirmed by our evidence and result in a satisfying balance of truths in the web of belief, where balance is determined by evaluating theoretical virtues of the distribution of truth values to sentences in the web.

Among revisable elements in the web we find not only empirical hypotheses and logical truths, but also logical interrelations – logical rules.[87] Hence, even basic logical rules are open to revision according to Quine. This observation suggests Quine's holism is susceptible to regress comparable to that leveled against Carnap.[88] We will not attempt to arbitrate that, but instead pose an adoption-related complaint one might raise against Quine. To be sure, Quine's insistence that even basic logical rules are *revisable*, just like any empirical hypothesis, suggests Quine is committed to basic logical rules being *adoptable*. This would be a problem for Quine since, as have seen, basic rules like universal instantiation are *not* adoptable. But Quine is not obviously committed so.

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[87]Quine writes, "logical laws…[are]…further statements of the system…having re-evaluated one statement we must re-evaluate others…which…may be the statements of logical connections themselves." (Quine, 1951, pg. 42). See too (Priest, 1978) where he makes a similar point.

[88](Wright, 1986), (Boghossian, 2000).

Treating basic rules as on par with scientific hypotheses with respect to empirical justification does not entail they are on par with respect to whether they can be adopted or not. Nevertheless, Quine's insistence that even basic rules of logic are up for revision suggests agents accept them and accept them as guides for inferential practices. Moreover, for Quine, rules that guide agents must be explicitly accepted by them.[89] Otherwise, since we have only behavioral evidence to go on and since extensionally equivalent sets of rules may satisfactorily characterize an agent's behavior, we could not determine which rules were true of the agent. Explicit acceptance of rules provides evidence useful in identifying the correct set of rules. But we know from our preceding discussion of Carroll's note that basic rules of logic cannot – at least at inception – have been explicitly accepted by an agent to guide inferential practices. Hence, basic rules must have been acquired by agents in some other way. Quine then owes some explanation that fits with basic rules as revisable but not explicitly accepted as guidance - at least at first.[90] Hence, while Quine's deployment of Carroll's note provides a powerful regress objection to Carnap's logical conventionalism, a deeper understanding of the note

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[89](Quine, 1970, pg. 386) who writes an agent "…is not guided by the rule unless the [agent] knows the rule and can state it." Quine seemed to anticipate or echo a common theme at the time, e.g. (Searle, 1972).

[90]It is an open question whether Quine might supplement his picture with aspects of the proposals to follow, namely, identify through regular behavior rules which we implicitly accept, then explicitly accept them afterwards. One concern for such supplementing, however, is that behavioral regularities might be compatible with numerous basic rules, so that prior to explicit acceptance one would not be in a position to decide among which set of basic rules to accept. It is difficult to see how this sort of indeterminacy might fit in Quine's view of meaning.

reveals a lacuna in Quine holism; much like Carnap, Quine defends an answer to the Justification Question that runs into adoption-related woes.

Clearly, we *do* act in accordance with basic rules of logic, though we could not have adopted them. What explanation can be provided for this phenomenon that respects the negative answer to the Adoption Question? Moreover, what consequences would such an explanation have for answers to the Justification Question? We turn to these difficult questions in the next section.

Section 2: Basic Rules as Know-How

In this section, we examine two answers to the Justification Question which respect observations stemming from the Adoption Question. The first claims basic rules of logic are implicitly accepted by agents through regularities of behavior and are justified by those very regularities; the second claims basic rules are embodied know-how, justified since evolutionarily advantageous. Costs and benefits are assessed for each, and it is argued the second answer is preferable to the first.

Explicit and Implicit Acceptance

In their respective answers to the Justification Question, Carnap required the content of logical conventions be made explicit, while Quine's holistic counterproposal left it unclear how agents acquire basic rules of logic. The lesson of the preceding section seems to be that an answer to the Justification Question should be consistent with the negative results stemming from reflection on the Adoption Question. To that end, we examine the space of answers available to the Justification Question, given this restriction.

Recall, adoption of a rule of logic requires acceptance of the rule and being guided by that rule in relevant inferences based on that acceptance. Adoption requiring the rule be a "real guide"[91] for the agent suggests the rule be *explicitly* accepted by the agent. We have seen, however, that requiring explicit acceptance of basic rules of logic leads to trouble, since explicit acceptance of, say, universal instantiation under certain conditions then requires having explicitly accepted the basic rule prior. A natural thought is that we might avoid adoption-related worries by dropping explicit acceptance for basic rules of logic. We might instead hold that basic rules of logic are *implicitly*

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[91](Padro, 2015, pg. 42)

accepted. Quine provided just such a model for implicit acceptance earlier: to implicitly accept a rule is to behave according to the rule, and to have that rule accurately fit or describe your behavior.[92] Implicitly accepting universal instantiation then amounts to regularly inferring in accordance with it – nothing more, nothing less. Of course, Quine also claimed implicit acceptance – applied to logical conventions – had undesirable costs. We revisit those costs - and others – momentarily to determine whether they are worth paying. For now, observe that implicit acceptance of basic rules of logic provides one way to respect the results of the adoption puzzle. If agents are not required to accept basic rules of logic explicitly, but are instead permitted to accept them implicitly, there is no obvious trouble. An agent may, for instance, accept universal instantiation because the agent behaves such that they are accurately described as implicitly accepting the rule. Moreover, having implicitly accepted universal instantiation, plausibly an agent may explicitly accept the rule. That is, an agent having implicitly accepted universal instantiation may – perhaps after having reflected on their own behavioral patterns – explicitly accept the basic rule as a guide for inferential practices. Since this later explicit acceptance of the basic rule does not presume the agent previously explicitly accepted the rule, there is no issue.

Of course, this is *not* to say appealing to implicit acceptance *dissolves* the negative answer to the Adoption Question. Implicit acceptance merely sidesteps the issue. The Tortoise was assumed to have never inferred according to universal instantiation prior to the dialogue. Reading "according to" as the rather weak "in accordance with" rather than the stronger "based on explicit acceptance of" makes this clear. If the Tortoise never inferred in accordance with universal instantiation prior, then the Tortoise could not even be accurately described as implicitly accepting the basic rule.

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[92](Quine, 1936, pgs. 98-100; 1970, pg. 386)

Hence, relying on implicit acceptance provides no help to the poor Tortoise. Implicit acceptance is considered here as a way to respect, rather than undermine, this result. This should not, however, be counted among costs of the proposal. Our task is not to help to incorrigible Tortoise, but to examine the space of answers to the Justification Question while avoiding adoption-related woes. If this implicit acceptance proposal avoids the adoption worry, then it earns its keep based on whether it provides a reasonable response to the Justification Question: We take ourselves to know basic rules of logic are true, but what epistemically justifies that knowledge? On this proposal, we implicitly accept basic rules of logic, which is simply to say we behave in accordance with the rules. Moreover, we behave as if the basic rules are *true*. For example, universal instantiation is implicitly accepted by an agent when they behave such that whenever a universal statement is true, so too is each instance in the domain of that statement. At this point, however, the only reason we might cite as justification for our knowledge of universal instantiation is a relevant pattern of behavior. But a pattern of behavior by itself does not justify a belief, and so cannot justify knowledge of universal instantiation. Moreover, though regular behavior accurately employing universal instantiation may warrant someone attributing to an agent knowledge of universal instantiation, this falls short of the sort of epistemic justification we are after in the Justification Question.

Epistemic justification, on this account, more plausibly emerges once basic rules have been explicitly accepted by agents. One might, for example, seek such justification by noting agents are often engaged in projects[93] of categorization, dividing the world into lions, tables, functions, events, etc., and these projects presuppose basic rules of logic, such as universal instantiation and modus

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[93](Wright, 2004, pg. 163-4).

ponens.[94] Given that doubting this presupposition would undermine these projects, and absent

reasons to doubt the truth of the relevant rules, agents might legitimately claim themselves entitled[95]

- having epistemic rights that need not be understood by or accessible to the agent - to use the rules.

Moreover, because such epistemic rights play a role in agents' success in identifying truth and

avoiding error, this proposal provides some measure of epistemic justification. Entitlement seems a

happy fit with implicit acceptance, and while it may fall short of more substantial forms of

justification, given the difficulties philosophers have had in providing the latter for basic rules of

logic,[96] entitlement may be the best we can do.

In any event, we might sweeten the implicit acceptance proposal to make it more appetizing.

It seems a hallmark of rules that they apply in novel cases. Implicit (or explicit) acceptance of rules

reflects this. An agent need not, say, observe every instance of a universal statement to be sure each

instance of the relevant domain is covered by the truth of the statement. Agents bearing attitudes

towards rules that can be assessed for application in novel scenarios bears this out. Moreover,

implicit acceptance provides a *prima facie* way to distinguish adoptable rules, e.g. disjunction

introduction, of logic from basic rules of logic that cannot be adopted, e.g. universal instantiation.

On this proposal, both sorts of rules can in principle be implicitly accepted based on behavioral

regularities, but that does not in turn require both sorts can also be explicitly accepted. It is

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[94]This presupposition must not require explicit acceptance, for fear of adoption-related worries.
(Hanna, 2007) relies on the basic rule presupposition as justification, but requires explicit
acceptance, and thus can expect adoption woes.

[95](Burge, 1993, pg. 458); in contrast justifications require accessible reasons.

[96]See (Boghossian, 2000) and (Dummett, 1991) for opinionated overviews of the difficulties.

consistent with this proposal to treat adoptable rules of logic as those that can be explicitly accepted without having been previously accepted, and basic rules of logic as those that cannot be explicitly accepted without having previously been implicitly accepted. More concretely, an agent may either explicitly or implicitly accept disjunction introduction as a rule of logic guiding inferential practices, but explicitly accepting universal instantiation requires having previously implicitly accepted this basic rule. Consistency with the asymmetry between adoptable and basic rules is thus maintained.

But despite these benefits, the implicit acceptance proposal suffers from serious costs. Before identifying genuine concerns for the implicit acceptance proposal it is worth anticipating an apparent issue. For one might be concerned that the implicit acceptance proposal presumes a version of behaviorism that few would be willing to accept.[97] Were the implicit acceptance proposal restricted solely to behavioral regularities with respect to acceptance of basic logical principles, then this concern would have force. However, because the proposal permits explicit acceptance of basic rules following reflection on behavioral regularities, and so permits a cognitive explanation in conflict with standard stringent versions of behaviorism, advocates of implicit acceptance seem to avoid this charge. Put another way, though the implicit acceptance proposal involves one seemingly behaviorist element in its explanation for how we acquire basic rules of logic, the full explanation involves cognitive elements.

First, since implicit acceptance is gleaned from behavioral regularities it is not obvious how mere regularities of behavior are to be distinguished from genuine rules. Intuitively, basic rules of logic are not mere regularities; we tend to think they are inviolable, necessary truths. But if basic

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[97]Thanks to Sandy Goldberg for raising this concern.

rules such as universal instantiation are implicitly accepted based on behavioral regularities, it is unclear how they are distinct from other behavioral regularities which are, presumably, violable and contingent. Sally behaves such that she implicitly accepts universal instantiation, but even if she did not, it seems the basic rule would be true, and necessarily so. Compare: Sally goes to bed at 10pm regularly and so behaves such that she implicitly accepts a rule to go to bed at 10pm. Were Sally to begin going to bed at 9pm, and so exhibit behavior such that she implicitly accepts a rule to go to bed at 9pm, it is unintuitive to claim Sally's 'go to bed at 10pm' rule was still true, and necessarily so. Behavioral regularities lack the privileged status of rules of logic, so treating them on par seems implausible.

Second, implicit acceptance seems unable to distinguish between *competence* and *performance*.[98] This distinction was initially drawn in linguistics and can be illustrated with a simple example. A child might describe a recent swimming event by saying "I swimmed." This is, of course, ungrammatical. Adult speakers do not typically make parallel conjugation errors, but instead say "I swam." When correcting children who have spoken thus with the correct conjugation, children tend to respond with something like "That's what I said. I swimmed," exhibiting a lack of awareness of the mistake.[99] In contrast, when adult speakers utter ungrammatical mistakes such as "I swimmed," and are corrected, they typically concede a mistake has been made. Linguists claim the child lacks, but adults typically have, competence with the relevant language. When competent adults make grammatical mistakes, these are considered errors of performance rather than a lack of competence.

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[98]The distinction is drawn from (Chomsky, 1965, pg. 3) and widely accepted in linguistics communities, though see (Quine, 1970) for behaviorist inspired worries.

[99]Thanks to Michael Glanzberg for this point.

We can easily transpose this distinction to our discussion. Competence with a basic rule amounts to knowing the rule and how to apply it; performance is the actual application of the rule. Consider now, standard introductory logic courses incorporate formal rules found in propositional logic, some of which are basic rule candidates e.g. modus ponens, conjunction elimination[100], etc. Students often complain they already know these rules, or that they are so obvious as to not be worth stating. In response, it is not difficult to persuade students of the importance of covering, say, modus ponens in some detail by considering how negated antecedents or consequents may mislead[101] or by examining the Wason Selection Test.[102] Students routinely *perform* poorly on these tasks, and yet, there are reasons to think they are nevertheless *competent* with rules like modus ponens. Some defeasible evidence was stated above, namely, students regularly claim knowledge of basic rules like modus ponens. Further evidence can be found in reports that participants who failed Wason's

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[100]In symbols: P&Q |- P/Q

[101](Schroyens, Schacken, D'Ydewalle, 2001) found that while 97% of individuals correctly identified valid modus ponens arguments, this percentage dropped precipitously, to 72% when evaluating modus tollens (P→Q, ~Q |- ~P). Moreover, 63% of individuals incorrectly evaluated instances of affirming the consequent (P→Q, Q |- P) as valid, while 55% incorrectly identified instances of denying the antecedent (P→Q, ~P |- ~Q) as valid, while 55% incorrectly identified instances of denying the antecedent (P→Q, ~P |- ~Q) as valid.

[102]The Wason Selection Test exhibits simple modus ponens/tollens reasoning, where participants are asked which of four cards must be turned over to test a stated claim (Wason, 1977), resulted in 90% answer incorrectly;

Selection Test, when told the correct answer, unanimously agreed it was correct.[103] An agent agreeing they have erred is a hallmark of performance error. I might add, as an anecdote, I have never experienced a student who defends affirming the consequent after I have explained what is wrong with it.[104] But implicit acceptance is unable to make this distinction, and for fairly obvious reasons. Acceptance is based entirely on behavioral regularities, i.e. performance. If the implicit acceptance proposal is correct, the regular failings by students to correctly apply basic rules of logic indicates they do not implicitly accept these rules, though they claim to know them and admit they have erred when the error is made clear. That seems the wrong result.

Perhaps this is too quick. It might be objected that a student's concession of error in application of basic rules of logic is itself behavior reflecting at least implicit acceptance of the rule. This may provide some grounds for claiming introductory logic students behaving in this manner do, in fact, implicitly accept basic rules, despite trouble applying them. Maybe so. But even if this is granted, we might nevertheless wonder whether students never provided the opportunity to agree or disagree with corrections to their erroneous applications of basic rules of logic would implicitly accept these rules or not.[105] No doubt this depends largely on how wide "opportunity", "agree",

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[103]As reported in (Bentham, 2008).

[104]My favorite example of what seems a relevant performance error stemmed from a discussion of the movie *Dodgeball*, where it is claimed "If you can dodge a wrench, you can dodge a ball." During discussion, X suggested we play dodgeball. Y responded "But I can't dodge a wrench." X noted Y may yet dodge a ball. Y conceding the error.

[105]One may of course respond that numerous counterfactuals might be true of such students, but the issue here is which counterfactuals are true of the student, not that many are.

"disagree", and "corrections" are understood. In any event, it is unclear whether and how the implicit acceptance proposal offered here can distinguish between competence and performance traditionally understood. This may be, then, less a cost and more a challenge to the view.

Third, and perhaps clear from the initial presentation of the proposal, implicit acceptance seems to undermine basic rules of logic as providing legitimate guidance for inferential practices. Rather, implicitly accepted rules are descriptive facts about regular patterns of behavior. But if basic rules of logic do not legitimately guide inferential practices, these practices seem to lack the normativity typically associated with them.[106] For example, were Sally to implicitly – but not explicitly - accept universal instantiation, but deviate on occasion from inferring accordingly, at best we might say Sally is not behaving as she normally behaves, or perhaps is not behaving as members of her community behaves, assuming most members of her community implicitly accept the rule. But those who think rules of logic have normative force will claim Sally's logical error makes her an appropriate target of – perhaps minimal – criticism. If Sally fails to infer according to universal

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[106]There is, of course, a distinction between rules of a formal system and normative lessons associated with accepting a system. (Harman, 1986) observed believing a contradiction should not require believing everything but took this to suggest logic is no normative guide for belief. (Field, 2009) and (MacFarlane, 2004) have argued persuasively in favor of bridge principles linking logical theories with belief and normativity. I am not so pessimistic as Harman.

instantiation, it seems compelling to say Sally *should* have inferred according to the rule, where "should" here is stronger than merely "not what Sally usually does."[107]

Know How and Know That

Given costs associated with the implicit acceptance proposal, it is worth considering an alternative way to answer the Justification Question while respecting the Adoption Question. Dropping *explicit* acceptance was one option, and this seemed – as indicated among the costs – to drop legitimate guidance of inferential practices as well. Another option is to adjust *acceptance* to avoid the trouble, though in such a way as to avoid dropping guidance of inferential practices as well. Observe though, it was not dropping explicit acceptance *per se* that undermined legitimate guidance of inferential practices, but rather replacing explicit with implicit acceptance. Dropping explicitness does not thereby drop guidance, and so adjusting acceptance in some other manner does not thereby undermine guidance. Indeed, we might drop *acceptance* entirely,[108] not requiring agents bear this doxastic attitude towards the content of basic logic rules at all.[109] And we need not replace

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[107]Compare (Kripke, 1982, pg. 37): "The point is *not* that, if I meant addition by '+', I *will* answer '125', but that, if I intend to accord with my past meaning of '+' I *should* answer '125'…The relation of meaning and intention to future action is *normative*, not *descriptive*."

[108]An option we do not pursue is replacing acceptance with a less restrictive attitude. Worth pointing out is that replacing acceptance with a *stronger* attitude, e.g. belief, knowing, would seem to lead back to adoption problems.

[109]Is it not the case that guidance by a rule implies implicit acceptance? If so, dropping explicit acceptance while requiring guidance involves implicit acceptance, and *a fortiori*, acceptance. This is

acceptance as a requirement if we also drop the presupposition made throughout our discussion that the basic rules of logic have *content*. For if basic rules of logic lack content, then agents cannot stand in doxastic attitudes to them.

And agents might still be *guided* in their inferential practices by basic rules lacking content. This is not an entirely novel notion; we find Devitt defending a similar proposal with respect to linguistic competence. In his discussion, Devitt makes heavy use of the distinction between knowledge-how and knowledge-that, which is easy enough to elucidate. Flying a plane, swimming, walking, are species of know-how; that a plane is flying, that one is swimming, that one is walking, are species of knowledge-that. According to Devitt, know-how[110] does not necessarily involve propositional knowledge.[111] Still, rules understood as either the former or the latter may provide guidance for practices of agents. Devitt claims they differ, however, in whether governance is

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incorrect. An agent might be guided by a rule but not regularly behave according to it. In such a case, guidance and implicit acceptance come apart.

[110]With respect to flying a plane, see (Dreyfus & Dreyfus, 1980; 1986).

[111]Though even this much is contentious. (Stanley & Williamson, 2001, pg. 411) observe ascriptions of knowledge-how in English contain embedded questions, then claim since our best semantic theories of questions require attributing propositional knowledge, ascriptions of know-how also attribute propositional knowledge. I, like (Devitt, pg. 89, fn. 2), am suspicious of this argument. Moreover, (Rumfitt, 2003)'s observations that French does not embed questions in know-how ascriptions in the manner required by Stanley and Williamson to undermine know-how (ascriptions relate individuals to activities, not propositions) seems to sharply constrain the reach of their argument.

represented by the agent. Propositional knowledge governs "…by being represented and applied…" whereas knowledge-how governs by being "…simply embodied without being represented."[112] Transposed to our discussion, we may understand knowledge of basic rules of logic - which lack propositional content - as know-how, encoded or "hard-wired" in agents who embody the rule.[113] As such, basic rules of logic such as universal instantiation may thereby govern inferential practices without requiring representation by the agent.

Altogether then, our second option drops the requirement that basic rules of logic must be accepted by rejecting that they *can* be accepted - since they lack content - yet this option allow rules *may* guide inferential practices insofar as they are embodied know-how of agents.[114] As should be clear, this proposal avoids the negative answer to the Adoption Question, since basic rules of logic thus understood cannot be accepted. This is still no help to the Tortoise, but again, this should not be considered a cost. Avoiding the negative results of the Adoption Question is not enough for the current proposal to be viable; it must also provide a plausible answer to the Justification Question. We take ourselves to know basic rules of logic are true, but how are we epistemically justified in that

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[112](Devitt, 2006, pg. 46)

[113]Chomsky is the obvious inspiration for Devitt's claims, though there are several differences between Chomsky's and Devitt's respective proposals. The main difference – for our purposes – seems to be that Chomsky is committed to rules governing language being propositional, while Devitt allows their being know-how.

[114](Ryle, 1945, pgs. 6-7) also claims Carroll's regress can be avoided by dropping relevant propositional knowledge. (Devitt, 2006, pgs. 46; 50; 107-8) claims Carroll's note shows 'thinkers' must have non-propositional know-how.

knowledge? If our presumed knowledge of basic rules of logic is understood to be propositional, as implied by the question, then since the current proposal rejects that we have such knowledge, it rejects the question.[115] That is an unsatisfying result. But we need not take this to show the current proposal is not viable, for there is a further response an advocate of this proposal might offer to the Justification Question.

While it is assumed basic rules of logic are hard-wired know-how that cannot be accepted, this is consistent with this embodied know-how in some cases generating propositional knowledge, representing the embodied know-how. Consider again introductory logic students who claim familiarity with some basic rules of logic, despite lacking facility in applying this knowledge to novel circumstances. Arguably, identification of and instruction in the proper use of rules like modus ponens generates propositional knowledge of the rule, which plausibly reflects embodied know-how students already have.[116] This propositional knowledge, in turn, may be used explicitly by students to guide inferential practices, and guard against fallacious reasoning. Now, propositional knowledge reflecting basic rules of logic in hand, and assuming we take ourselves to know such rules are true, we might successfully inquire as to what justification we have for that knowledge. Assuming this propositional knowledge accurately reflects basic rule know-how – which is surely contestable – it

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[115]There may be a nearby question worth posing, namely, we take ourselves to be competent in our inferences using basic rules of logic, but what is the nature and extent of that competence? We leave exploration of this question for future research.

[116]Thanks to Sean Ebels-Duggan for this insight.

might be claimed what this propositional knowledge reflects is, like other embodied know-how,[117] inherited from our ancestors, and in that respect may have offered some evolutionary advantage to our species, e.g. providing efficient information processing and retrieval. For example, universal instantiation may provide an efficient means by which, say, information received through our perceptual system is categorized, and which lends itself to efficient information extraction. Of course, like any "just-so" evolutionary tale, we should remain cautious; the devil is in the details.[118] Still, this is at least a *prima facie* plausible response to the Justification Question. The reason we cite in justification of our knowledge that basic rules of logic are true is propositional knowledge reflecting embodied rules that likely conferred evolutionary advantage to our ancestors.[119] Furthermore, we might here too lean on agents' engagement in cognitive projects which presuppose basic rules of logic, along with an absence of counterexamples to the truth of these rules.[120] In other words, we may claim ourselves entitled to take these rules as true, even if we are not strictly speaking justified. In sum, we avoid adoption-related worries by treating basic rules as embodied know-how which fits nicely with citing inheritance and evolutionary advantage as justifying said rules, and ultimately if this justification falters, it falters no worse than the implicit acceptance proposal offered above.

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[117]E.g. crying, adjusting breathing rates (human infants exhibit diving reflexes), developing language, etc.

[118]Besides the obvious need for more detail, one might wonder why blind evolutionary pressures should be trusted to preserve truth rather than, say, usefulness or expediency.

[119]See (Schechter, 2013) for a similar proposal, and (Kroedel, 2017) for further discussion.

[120](Wright, 2004, pg. 163-4).

There are benefits worth mentioning. Per motivation for this proposal, basic rules of logic provide legitimate guidance for inferential practices. Hence, an agent failing to infer according to universal instantiation – assuming the rule is embodied by the agent – commits a logical error and is thus the appropriate target of criticism to that extent. More specifically, if basic rules are hard-wired know-how and typically exhibited by most members of our species, as seems correct, then failing to infer according to basic rules is to fail to act as one should, and not merely as one has.[121] Additionally, treating basic rules of logic as embodied know-how provides resources for distinguishing rule-guided behavior from mere regularities. Sally's regular bedtime need not reflect any rule, though Sally's regular inferences reflecting basic rules of logic - on this proposal - do. Related, this proposal has little trouble distinguishing competence and performance. Assuming Sally embodies universal instantiation know-how, we may attribute competence to Sally without claiming Sally will always, or even regularly, infer accordingly. Sally may, for instance, embody the rule yet have a terrible memory, leading to terrible performance; competence may be preserved while performance suffers. Just as children tend to develop linguistic competence, reaching various milestones in a short span, so too it might be argued children develop parallel *logical* competence.[122]

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[121]Whether the normativity envisaged here is satisfactory is an open question, and clearly relevant to whether the parallel objection to the implicit acceptance proposal has teeth. Simply put, if normativity understood here requires more than the current proposal offers, then motivation for maintaining guidance of inferential practices wavers. The case in favor of this proposal over the implicit acceptance proposal will then rest on balancing other costs and benefits.

[122]Lack of data seems due to lack of interest rather than negative results, though see (Geurt, 2003), (Crain & Khlentzos, 2008) for recent results suggesting just such a developing logical competence.

One might easily extend this proposal as postulating a logic faculty on par with the language faculty, the latter widely accepted by the linguistics community.[123] Finally, this proposal has little trouble distinguishing adoptable from basic rules of logic. Adoptable rules are not embodied know-how, but are instead explicitly accepted. Students may struggle to, say, accept propositional logic rules that do not seem to match their embodied know-how, e.g. *ex false quodlibet*.[124] Nevertheless, with enough practice, students eventually accept these rules. After sufficient familiarity, they may even set the rules aside and infer.[125]

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[123]We need not extend ourselves too much in this hypothesis, but it is hard to resist given Devitt as our inspiration. Devitt restricts his claim to linguistic competence as knowledge-how, but we might apply this notion to logical competence, postulating a universal logic on par with Chomsky's universal grammar. While a plausible extension of the current proposal, one might balk at analogizing logic and language so. Universal grammar gains much plausibility from observing linguistic competence is robust in adult speakers, and failures of, say, students to correctly identify instances of valid inference patterns does not suggest robustness. While I think these challenges can be met, I do not have the space to discuss them here.

[124]In symbols: (P&~P) |- Q. While relatively straightforward to convince students that once you have a contradiction on your hands something has gone wrong, it is not so easy to convince them inferring anything at all is a reasonable next step. To be fair, this is typically overlooked in introductory texts, where students are encouraged to restrict entailments to a target; see (Hardegree, 1999), (Bergmann, Moor, Nelson, 2013) as representatives.

[125]See (Priest, 2014, pg. 10) for a similar observation concerning *logic utens*, or the way people - actually - reason.

Despite the preceding praise, it is worth emphasizing the oddity of postulating basic rules of logic as embodied know-how. Empirical research, paralleling that done in linguistics, might make the conjecture more palatable, or perhaps less. Ultimately, more work must be done articulating and testing the proposal, which is more a challenge than a cost. There may be costs to be had, however. We might conjure Quine once more with respect to rules that guide agents which are not explicitly accepted by them, to illustrate. Transposed to our discussion, Quine might claim extensionally equivalent sets of basic logical rules may be equally satisfied by agents' behaviors, though only one set might be true of the agent. If we are limited to observations of agent behavior, we have no insight into which set of basic rules satisfying behavior is true of the agent.[126] If correct, Quine might continue, postulating embodied basic logical rules is explanatorily useless. There are a handful of responses one might offer,[127] but for our purposes it suffices to observe if Quine's objection is successful against the current proposal, it seems equally successful against the implicit acceptance proposal.[128] For if the only evidence one has for implicitly accepted rules is regular behavior, and there are extensionally equivalent sets of rules satisfying said behavior, then the worry goes through all the same. Hence, if a cost for embodied basic rules it does not make the proposal less palatable than the alternative canvassed earlier.

Turning to another potential worry: though we put aside concerns that we have not provided satisfying aid to the Tortoise, we might take as a cost the severity with which the current proposal

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[126](Quine, 1970, pg. 386).

[127](Chomsky, 1968) anticipates quite a few.

[128](Quine, 1970, pgs. 387-8) admits as much, adverting to sets of verbal dispositions – physical states of agents – to explain linguistic behavior and language generally.

treats the Tortoise, as compared with the implicit acceptance proposal. For on the current proposal, there is no help for the Tortoise, save providing it - perhaps through physical alteration - with hard-wired rules. Our first option at least permitted the Tortoise – if its behavior accorded with the basic rules – to be characterized as having the rule in some sense. Of course, this was because implicit acceptance does not distinguish between accidental regularities of behavior and genuine rule-guided behavior, so the Tortoise may gain membership in our logical community on the cheap. It is a feature of the current proposal, however, that membership be somewhat exclusive. For my part, I find this cost worth paying; my preference rests with logic, not tortoises.

Section 3: Conclusion

Carroll's note has motivated many important questions, two of which – the Justification Question and the Adoption Question – occupied us here. Reflection on the latter constrained defensible answers to the former. Carnap's logical conventionalism and Quine's holism each conflicted with these constraints to some degree. Two further answers to the Justification Question were provided, each of which avoided the problems found associated with Carnap and Quine. The first claimed basic rules of logic were implicitly accepted but was found susceptible to a host of objections. The second – more drastic proposal – claimed basic rules of logic lacked content but were rather embodied know-how. Costs and benefits of the second were weighed against those of the first, with the second option prevailing as preferable. Nevertheless, more than mere outline is needed to determine if the second option is viable. Moreover, there are surely other options to consider, despite our focus here. Exploration may reveal yet a third option, preferable to the second.

The Ties that Undermine[129]

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[129]In completion of this dissertation, additional sections have been added that do not appear in the

published version of this article.

Abstract

Do biological relations ground responsibilities between biological fathers and their offspring? Few think biological relations ground either necessary or sufficient conditions for responsibility. Nevertheless, many think biological relations ground responsibility at least partially. Various scenarios, such as cases concerning the responsibilities of sperm donors, have been used to argue in favor of biological relations as partially grounding responsibilities. In this paper, I seek to undermine the temptation to explain sperm donor scenarios via biological relations by appealing to an overlooked feature of such scenarios. More specifically, I argue that sperm donor scenarios may be better explained by considering the unique abilities of agents involved. Appealing to unique ability does not eliminate the possibility of biological relations providing some explanation for perceived responsibilities on the part of biological fathers. However, since it is unclear exactly why biological relations are supposed to ground responsibility in the first place, and rather clear why unique ability grounds responsibility in those scenarios where it is exhibited, the burden of proof seems shifted to those advocating biological relations as grounds of responsibility to provide an explanation. In an addendum to the published version of this paper, I respond to concerns that I have begged the question against proponents of biological relatedness and that unique ability may imply an overly demanding morality. In responding to this latter concern, I explore how unique ability and its presumptions interact with other morally relevant features of scenarios both at the individual and group level.

Introduction

Consider the following scenario, borrowed from Jeff McMahan:[130]

> Sperm Donor I: A man voluntarily donates to a sperm bank and absolves himself of any legal responsibility for children conceived with his sperm. Later a woman artificially inseminated with his sperm births a child who requires a bone marrow transplant. She approaches the donor and requests he donate his bone marrow to save the child's life.

McMahan notes that despite the apparent absence of parental responsibility on the part of the biological father, he seems somewhat responsible for providing bone marrow.[131] McMahan's intuition is that a biological relationship, at least partially, grounds the biological father's responsibility. McMahan is not alone. Several philosophers urge biological relationships at least partially ground responsibilities.[132] Call this the **Partial Thesis** and advocates **Partial Theorists**. For **Partial Theorists**, the biological father should donate bone marrow *in part* due to the biological relation between himself and his offspring. Some argue further that biological relations *alone* ground responsibilities held by biological fathers.[133] Call this the **Sole Thesis** and advocates **Sole Theorists**.

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[130](McMahan, 2003, pg. 226, 375).

[131] Though not explicit in Sperm Donor I, the biological father is presumably a stranger to the child and artificially inseminated mother.

[132](Abegg, 1984, pg. 134-140; Kolodny, 2010, pg. 43-47; Lemmons, 2004, pg. 2; Page, 1984, pg. 187-189; Velleman, 2008, pg. 147-154).

[133](Peach, 2004, pg. 4-7; Schwarz, 1990, pg. 118).

For **Sole Theorists**, biological fathers should donate bone marrow *solely* due to biological relations. Whether advocating the **Sole** or **Partial Thesis**, it is important to note that proponents should not[134] be taken to maintain the biological father has a *moral obligation* or *moral duty* to provide bone marrow. Rather, they claim the biological father has a *special moral reason* or *special moral responsibility* to provide aid, that another might not have if in the same situation. Opponents of both theses find explanations appealing to biological ties unsatisfying for numerous reasons. For instance, it is not clear what *delimits* a biological relation. Individuals have various biological relations. Arguably, each could ground responsibility. Furthermore, it is not clear whether *degree* of biologically relatedness is important. If a neighbor's child shares more of my biological makeup than my own offspring does, will I have more responsibility to my neighbor's child than my own?[135] More importantly for our purposes, it is not clear *how* biological relations ground responsibility. On this last point, opponents of both theses urge the alleged grounding of responsibility on biological relations seems mysterious[136] or implausible[137] at best, and trivial or unhelpful at worst.[138] I tend to agree with the

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[134](McMahan, pg. 376-378).

[135]I do not address *delimiting* or *degrees* of biological relations. I only mention these additional worries here. Incidentally, one might also object that advocates of biological relations focus on the wrong target. Austin, for instance, claims advocates of biological relations grounding responsibility are actually concerned with *causal* transfer of genetic material, which noticeably complicates matters (Austin, 2004, pg. 498-501).

[136](Boonin, 2003, pg. 229).

[137](Weinberg, 2008, pg. 169).

[138](Tulli, 2014, pg. 23-25).

opponents of the **Sole Thesis** who find it indefensible. Additionally, I think a strong case can be made against **Partial Theorists**.[139]

In Section I, I work through scenarios illustrating features typically considered relevant to responsibility, pointing out when and why **Sole Theorists** have trouble explaining these scenarios and why **Partial Theorists** are in better shape. I then argue, with respect to <u>Sperm Donor I</u>, the implicit unique ability between the biological father and offspring likely grounds responsibility. I conclude this section noting that appealing to Uniqueness adequately explains such scenarios. In Section II, I note the above explanation does not definitively undermine the **Partial Thesis**. I then argue in favor of the unique ability rather than appealing to biological relations as a preferable explanation, by responding to two objections. The first response establishes an *additional* responsibility stemming from unique ability. I claim this explains *how* unique ability grounds responsibility. The second response undermines the **Partial Thesis** by arguing that the *additional* responsibility explanation is unavailable to them, and that it is not clear *how* biological relations are supposed to ground responsibility. In addition, I respond to concerns that the preceding arguments are question-begging and that unique ability implies an overdemanding morality. I close Section II by sketching how unique ability and its presumptions interact with other morally relevant features of scenarios at both the individual and group level.

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[139]A biological father's responsibility to his offspring is a considered a *special* responsibility. *Special* responsibilities stem from a special relationship (parent, grandmother, employee, etc.) and are typically contrasted with *natural* responsibilities one presumably owes to everyone (perhaps according to some normative theory).

Section I: Uniqueness Defended

In this section, I examine several scenarios in an attempt to find evidence in favor of unique ability grounding responsibility on the part of the biological father in Sperm Donor I. Many of the examined scenarios provide no conclusive evidence, but examining these scenarios illustrates potential sources of responsibility that may complicate attempts to understand the purported role unique ability plays in grounding responsibility. Additionally, examining these scenarios ultimately undermines the **Sole Thesis**. Second, I illustrate the strength of the **Partial Thesis**, by providing plausible explanations for each of the preceding scenarios, and a few others, without appealing to unique ability. Third, despite the explanatory strength of the **Partial Thesis**, I provide a scenario where unique ability grounding responsibility is apparent, and biological relations cannot provide ground for responsibility. I then argue unique ability, perhaps in combination with other sources of responsibility but notably without resting on biological relations, adequately explains Sperm Donor I. I consider many scenarios, and so have provided a table for reference when explicating the conclusion of this section.

False Starts and Sources of Responsibility

In Sperm Donor I, it is implied that the biological father is in a unique position to offer bone marrow. Bone marrow donations require compatibility, and compatibility is rare.[140] Biological relatives are an obvious donor choice since relatives are significantly more likely to be compatible donors than strangers are. This implicit feature of Sperm Donor I is likely relevant to elicited intuitions that the biological father has a responsibility to donate. Yet, this feature is often overlooked. Instead, one might suspect the biological relation is grounding the biological father's

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[140](NBMDP, 2013, pg. 2).

responsibility.[141] If the biological relation is grounding his responsibility, then his responsibility should remain if the unique compatibility is eliminated. A variation of Sperm Donor I will perhaps make this transparent:

> Sperm Donor II: Same situation as Sperm Donor I, but *anyone* can provide the bone marrow, including the consenting parents caring for the sick child.

It seems reasonable that in Sperm Donor II the consenting parents would have a responsibility to donate bone marrow for the child. The biological father, when asked for a bone marrow donation by the parents in full knowledge of the parents' compatibility, could reasonably respond, "Why won't *you* donate *your* bone marrow to save *your* child?" To compare, Sperm Donor I suggests the biological father has a responsibility to donate bone marrow that seems absent in Sperm Donor II. One salient difference between the scenarios is that in the former the biological father seems rare in his ability to provide compatible bone marrow, whereas in the latter scenario the child's parents may donate.

Of course, another salient difference between the scenarios is the explicit consent of the parents to care for the child in Sperm Donor II, and the absence of parental consent on the part of the biological father in Sperm Donor I. Parental consent likely grounds a responsibility and may mask or outweigh the alleged significance of other features of the scenario, including a biological

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[141]In the literature mentioned above, 'biological relations' are restricted to holding between those involved in the transfer of genetic material (as opposed to biological relations among siblings, grandparents, cousins, etc.). The biological relations discussed here will be further restricted to those between a biological father and his offspring.

relation.[142] If parental responsibility outweighs the significance of a biological relation in <u>Sperm Donor II</u>, then a biological relation might still ground some responsibility on the part of the biological father. Additionally, <u>Sperm Donor II</u> provides no conclusive evidence that unique ability grounds the biological father's responsibility in <u>Sperm Donor I</u> rather than other features of the scenario. More specifically, if parental responsibility adequately explains the elicited intuitions in <u>Sperm Donor II</u>, it is not clear controlling for the biological father's unique ability from <u>Sperm Donor I</u> provides evidence in favor of the moral relevance of unique ability. Perhaps eliminating parental responsibility will provide such evidence:

> <u>Sperm Donor III</u>: Same situation as <u>Sperm Donor I</u>, but only the adopted siblings of the child, of which there are several, and the biological father, can provide compatible bone marrow.

Presumably, there is no parental responsibility between siblings and thus no parental responsibility for any of the siblings to donate bone marrow to save the sick child. Nevertheless, it seems reasonable for the biological father, if asked to donate in full knowledge of the siblings' compatibility, to respond, "Why won't the siblings donate?" If the biological father can reasonably reject a request for his bone marrow for this reason, then perhaps the biological relation does not

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[142]Tulli claims if parental responsibility so clearly outweighs biological relations in explaining commonsense intuitions in such scenarios, then biological relations appear unimportant, and perhaps trivial (Tulli, 2014, pg. 24-25). This seems too quick. Scenarios examined below *which lack* explicit parental responsibility, suggest biological relations *may* ground perceived responsibilities. It is not obvious biological relations are unimportant because they can be outweighed.

ground the father's perceived responsibility in <u>Sperm Donor I</u>. If it did, then it seems likely biological relations would ground a responsibility in <u>Sperm Donor III</u> above, where the biological relation is maintained and explicit parental responsibility is absent. Additionally, the presence of unique ability in <u>Sperm Donor I</u> where the biological father has a responsibility to donate, and the absence of unique ability in <u>Sperm Donor III</u> where it seems the biological father either lacks responsibility or has diminished responsibility, suggests unique ability plays a role in grounding the biological father's responsibility.

Of course, there is another salient difference between <u>Sperm Donor II</u> and <u>III</u>. Perhaps what grounds the responsibility in <u>Sperm Donor III</u> is that the siblings are members of the same *family*. Plausibly, bonds form among siblings through shared experiences as members of a family. The siblings in <u>Sperm Donor III</u> may have a responsibility to donate bone marrow to a non-biologically related sibling due to this familial relation. If familial responsibility outweighs the significance of a biological relation in <u>Sperm Donor III</u>, then a biological relation might still ground some responsibility on the part of the biological father. Additionally, <u>Sperm Donor III</u>, much like the preceding cases, provides no conclusive evidence in favor of unique ability grounding responsibility in <u>Sperm Donor I</u> rather than other features of the scenario.

Preliminary Judgments and Better Explanations

While there appears to be no decisive evidence in the preceding scenarios in favor of unique ability grounding perceived responsibilities, the scenarios do undermine those advocating the **Sole Thesis**. While easily able to explain intuitions in <u>Sperm Donor I</u>, they must provide explanations for the elicited intuitions in <u>Sperm Donor II</u> and <u>III</u> without appealing to parental or familial responsibilities

as potentially outweighing the biological relations.[143] It is not obvious how this can be accomplished without undermining the purported fundamental importance they find in the biological relation as the grounds of responsibility between parents and offspring.[144]

However, **Partial Theorists** are in better shape. Biological relations in combination with other responsibilities might provide an adequate explanation for Sperm Donor I, II, and III. Of additional importance for our purposes, **Partial Theorists** are able to provide explanations for intuitions elicited from other common scenarios in debates over biological relations and responsibility without appealing to unique ability. This might undermine attempts to appeal to unique ability as grounding responsibility in these scenarios by suggesting unique ability is explanatorily superfluous. Consider the following:

> The Cad: A consenting male and female engage in intercourse with reasonable
> protection and without any intention to procreate. Nevertheless, this results in
> pregnancy. The woman chooses to carry the fetus to term. The biological father
> refuses any responsibility, as he never intended to procreate. When the infant is

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[143]**Sole Theorists** may simply deny the intuitions, arguing instead that the biological father has an overriding responsibility to provide bone marrow in Sperm Donor II and III in virtue of the biological relation. Further unintuitive consequences follow on this view. (Peach, 2004, fn. 9), approvingly quoting Schwarz, suggests we ought to condemn, or at least be suspicious of, sperm donation since it severs the biological bond. I hope to accommodate, rather than reject, intuitions elicited in each scenario discussed in the current paper.

[144](Weinberg, 2008, pg. 169).

> born, it requires an immediate bone marrow transplant to live. The biological father
>
> is the only known compatible donor.

Few would look favorably on the biological father's refusal of responsibility. For, while the father had no intention to procreate, and explicitly rejects any responsibility he might have for raising the resulting child, he seems accountable for providing bone marrow. If explicitly rejecting responsibility here is insufficient for removing some responsibility to offspring, then perhaps some responsibilities are *persistent*, or unable to be expressly rejected.[145] For example, individuals responsible for transporting hazardous materials are typically unable to deny responsibility in the event of an undesired outcome the material handler should expect as likely. An oil tanker striking an iceberg and contaminating a local ecosystem is an unfortunately common example. The risk and responsibility associated with transporting hazardous materials is inherent in the nature of the activity. Following Weinberg, one might argue that the biological father in The Cad intended to

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[145]One might propose a variation of The Cad as an argument against unique ability grounding

 responsibility. Consider, biological fathers are expected to provide child support to offspring even

 if they explicitly reject responsibility. However, a biological father is not *solely* able to provide

 financial support for the child. Grandparents, cousins, or a stepfather may equally provide financial

 support. If we nevertheless find the biological father responsible for supporting the child, this

 suggests biological relations ground responsibility. Persistent responsibility however provides an

 explanation for the biological father's perceived responsibility in this variation that is consistent

 with either unique ability or biological relations (or both). Moreover, appealing to persistent

 responsibility, as done here, provides no conclusive evidence for unique ability or biological

 relations when considering financial support variations of The Cad.

engage in intercourse using hazardous materials (gametes) knowing the risk of pregnancy even with protection, and in that respect is responsible for the child in the event of pregnancy.[146] Gametes, Weinberg argues, should be considered hazardous materials since they are able to create extensive burdens on individuals. Agents wielding gametes then should be responsible for foreseeable consequences. More generally, those engaging in consensual intercourse are responsible for reasonably foreseeable consequences.[147]

Persistent responsibility, if maintained even when explicitly rejected by the biological father in The Cad and Sperm Donor I, could explain the perceived responsibility of the father to donate bone marrow. In Sperm Donor II, the persistent responsibility may be outweighed by the explicit parental responsibility of the parents. Similarly, in Sperm Donor III, persistent responsibility might provide a reason for the biological father to donate bone marrow that is outweighed by the familial responsibility of the siblings in the scenario. The upshot is that biological relations and persistent responsibility are consistent with each other and seem to provide an adequate explanation for elicited intuitions in the preceding scenarios. Furthermore, when combined with the inconclusive evidence garnered from the previous sub-section, it seems difficult to determine whether unique ability is grounding any responsibility in these scenarios. At best, we have only learned unique ability,

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[146](Weinberg, 2008, pg. 170-173).

[147]Weinberg would likely not advocate the **Partial Thesis** as he dismisses biological relation accounts of parental responsibility as untenable. An advocate of the **Partial Thesis** can understand gametes as Weinberg describes, however, without accepting his dismissal of biological relations partially grounding responsibility.

if exhibited, is likely consistent with a range of other responsibilities. This is perhaps no surprise, but also no evidence against the **Partial Thesis**.

Thought Experimentum Crucis

The Cad reveals a potential source of systematic responsibility in the preceding scenarios. Perhaps eliminating this feature will prove helpful in determining other potential sources of responsibility. Consider the following (adapted from Bayne & Kolors):

> Misplaced Sperm: An individual, S, has a sperm bank hold his sperm for future use in procreation with his wife. Due to an office misunderstanding, his sperm is used successfully during artificial insemination with someone other than his wife. S does not learn of the situation until much later, when he returns to the sperm bank with the intention of having his reserve destroyed, as he has decided he does not want children. S is informed on arrival of the situation, and further, that the resulting child requires a bone marrow transplant. S is the only compatible donor. [148]

It seems unreasonable to suggest that *because* S knew the risk in having the sperm bank preserve his sperm, S is responsible for donating bone marrow. Thus, it seems unlikely that a persistent responsibility grounds S's perceived responsibility to donate. Nevertheless, S seems to have a

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[148]The original scenario does not exhibit unique ability. Bayne & Kolors employ this scenario to

illustrate the importance of intention in procreation and the unimportance of biological relations.

They do not consider whether features of the scenario are outweighing the biological relation.

responsibility to donate bone marrow. [149] As in Sperm Donor I, the biological father is rare in his ability to provide bone marrow to the sick child. Unlike, Sperm Donor I, however, it appears unreasonable that the biological father in Misplaced Sperm has a persistent responsibility.[150] The biological father in Misplaced Sperm was not careless with his hazardous materials. He did not engage in consensual intercourse aware of the potential risk of pregnancy. If the biological father bears some responsibility for providing bone marrow in this scenario, then it seems due to his unique ability to do so.

In what should seem a familiar refrain, while Misplaced Sperm eliminates one potential source of responsibility, it only hints at unique ability grounding responsibility. For, biological relations are still exhibited between the biological father and the offspring. A conclusive scenario should eliminate confounding features mentioned in the preceding scenarios, so no feature potentially outweighs the explanatory role played by unique ability. With that in mind, consider an real-world example where persistent responsibility, biological, parental, and familial relations are eliminated:

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[149]Weinberg, interestingly, might hold the sperm bank responsible. They have misplaced the hazardous material and must take responsibility for the mistake. In the above variation, however, the sperm bank would be unable to provide bone marrow to the child.

[150]One *could* argue persistent responsibility grounds S's responsibility to donate just as it does in Sperm Donor I, and in this manner provide an objection to unique ability grounding responsibility here. However, this would place a rather heavy burden on S, making him responsible even in scenarios where his gametes are forcibly stolen. Additionally, appealing to persistent responsibility in Misplaced Sperm will not undermine unique ability in the following scenario.

> Golden Arm: James Harrison has a blood plasma composition that effectively prevents Rhesus Disease. His blood donations are responsible for the survival of 2.4 million infants around the world.

Harrison did not decide to have this particular blood composition, nor did he consent, as a parent would, to care for the children saved by his donations. He neither has biological nor familial ties to those benefitted by his donations. Nevertheless, Harrison has a responsibility to donate his blood. Luckily, Harrison feels obliged. The intuition that Harrison has a responsibility to donate blood seems to stem, much like in Misplaced Sperm, from Harrison's unique ability.

Misplaced Sperm and Golden Arm provide evidence that unique ability grounds certain responsibilities.[151] In both scenarios, persistent responsibility is not an explanatory option. Furthermore, in Golden Arm, responsibility grounded in biological relations is not an option and potentially confounding sources of responsibility have been eliminated. Unique ability provides an explanation for perceived responsibilities in scenarios where biological relations are absent. This provides rather substantial evidence that unique ability grounds responsibility in scenarios where it is exhibited. Recall, Sperm Donor I is typically employed to motivate the importance of biological relations between biological fathers and offspring. Notably, persistent responsibility, biological relations, and unique ability may ground responsibility in this scenario. Now, Sperm Donor I, Misplaced Sperm, and Golden Arm are similar insofar as they each exhibit unique ability. But only unique ability is exhibited in Golden Arm, and only unique ability and biological relations are

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[151]To summarize this section, I have included a table on the following page where preceding scenarios and sources of responsibility are outlined for quick reference.

exhibited in <u>Misplaced Sperm</u> as potential grounds of responsibility. The common feature of these scenarios, unique ability, seems to ground some responsibility in each. Additionally, appealing to unique ability provides an adequate explanation of elicited intuitions from <u>Sperm Donor I</u> that does not require appealing to biological relations. Namely, the biological father should donate bone marrow because he is uniquely able to do so.

I have argued unique ability provides an adequate explanation for <u>Sperm Donor I</u>. However, the role of biological relations in this scenario was not ruled out. Indeed, a **Partial Theorists** might accept unique ability as grounding responsibility, only adding that biological relations ground responsibility as well. In Section II, I argue that since it is not clear *how* biological relations ground responsibility, and clearer *how* unique ability grounds responsibility, appealing to unique ability offers a better explanation for these scenarios, and so should be preferred.

Scenario[152]	Biological Relation	Parental Relation	Persistent Resp.	Familial Relation	Unique Ability	Donate?
<u>Sperm Donor I</u>	√	X	√	X	√	Yes
<u>Sperm Donor II</u>	√	X	√	X	X	No
<u>Sperm Donor III</u>	√	X	√	X	X	No
<u>The Cad</u>	√	X	√	X	√	Yes
<u>Misplaced Sperm</u>	√	X	X	X	√	Yes
<u>Golden Arm</u>	X	X	X	X	√	Yes

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[152]To be read, "Is there a (biological relation, parental relation, persistent responsibility, familial relation, unique ability) between the biological father (or Harrison) and the recipient of donation in this scenario?"

Section II: Objections

Section I provided evidence that unique ability grounds responsibility in <u>Sperm Donor I</u> but noted the **Partial Theorists** could accept this conclusion. In this section, I argue reliance on biological relations as grounding responsibility is not the best explanation of <u>Sperm Donor I</u>. More specifically, I argue unique ability provides an *additional* responsibility, beyond a presumed standing responsibility to aid others, and this explains *how* unique ability grounds responsibility. Then, noting the lack of explanation for *how* biological relations ground responsibility, I show why **Partial Theorists** cannot employ the same explanation for *how* biological relations ground responsibility, though this might be expected. I accomplish these tasks by responding to two objections. I then note it is not clear *how* biological relations ground responsibility and is clearer *how* unique ability grounds responsibility. Lastly, I close out this section by responding to several objections one might have against the arguments of this section.[153] First, I respond to concerns that the conclusion of this section simply begs the question against **Partial Theorists**, by more carefully articulating this conclusion in terms of pressure to reject the **Partial Thesis**, rather than a knock-down argument against the view. I bolster this pressure by appealing to commonsense intuitions derived from experimental studies concerning the thought experiments used in this section, making clear why these results do not favor **Partial Theorists**. Second, I examine concerns that appealing to unique ability and a standing responsibility to help others may be over-demanding. I defend unique ability and this assumed standing responsibility as defeasible principles that may be overridden by other morally relevant

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[153]These discussions were not published in the original version of this paper but emerged from discussion of Section II with Jennifer Lackey and Baron Reed; I owe them many thanks for the objections raised as the argument of this paper is better for them.

features of scenarios; our standing responsibility can be mitigated by harms prevented, aid provided,

costs to ourselves, etc. I conclude by exploring the role such features play in our ethical lives at both

the individual and group level.

Objection: Additional Responsibility

Consider the following scenario:

> Accidental Realization: Several individuals are attending a party on a dock. One
>
> guest, Frank, who cannot swim, falls into the water. Frank will drown if no one saves
>
> him. One of the guests in attendance, Steve, suddenly realizes with certainty that no
>
> one else will save Frank.[154]

If unique ability implies responsibility, then Steve should have a responsibility to save Frank. One

might think this odd since it entails that if you were to *realize* that you are the only person willing to

provide something, perform some action, or perhaps save a life, you have a responsibility to do so.

Though unique ability implies that Steve *does* have a responsibility, it is unclear that this is actually

counterintuitive. If it *is* counterintuitive then it seems the following scenario should be also:

> Lonely Dock: Steve and Frank are strangers alone on the dock. While Steve is
>
> watching the clouds, Frank falls in the water. Steve is a capable swimmer, and if he
>
> does not save Frank, Frank will surely drown in a matter of minutes.

That is, if Steve has no responsibility to save Frank when there are several people on the dock and

Steve realizes that no one else will save Frank, then Steve should have no responsibility to save

Frank if they are alone. It seems clear, however, that on the Lonely Dock Steve *does* have a

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[154]This case is inspired by (Ross, 1930)'s discussion of duties of beneficence and non-malfeasance.

responsibility to save Frank. Consequently, Steve should have a responsibility to save Frank when others are around and he realizes no one else will do so.

This response is too quick. Arguably, we each have a standing responsibility to provide aid to others when doing so is not too costly to ourselves.[155] The existence of such a standing responsibility provides resources to explains *how* unique ability grounds responsibility. Consider, if unique ability does not magnify such a standing responsibility, then unique ability would provide no *additional* responsibility. Consequently, it would be unclear *how* unique ability grounds responsibility. This would undermine attempts to provide evidence in favor of explanations of Sperm Donor I that rely on unique ability over biological relations. In pursuance, one might object by noting the lesson learned from Accidental Realization is not that unique ability would entail counterintuitive responsibilities in some circumstances, but rather that unique ability grounds no *additional* responsibility in these circumstances. For instance, in Accidental Realization, Steve has a responsibility to save Frank, but so does everyone else on the dock. If they each have such a responsibility, then Steve's realization adds no *additional* responsibility to save Frank. Similarly, in

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[155]We specify this in more detail below. There are many ways to spell this principle out. Perhaps the most popular are from (Singer, 1972). Singer derives the "principle of sacrifice" from a "principle of beneficence". The latter states – roughly – that agents should be concerned for others and further their interests when necessary; the former states – roughly – that if we are able to prevent something bad from occurring without sacrificing anything of comparable moral importance, than we ought morally to do so. Later, we investigate the extent to which the standing responsibility mentioned here overlaps with – and so takes on known problems of – Singer's principle of sacrifice.

Lonely Dock, Steve's unique ability does not ground an *additional* responsibility to save Frank since Steve would have that responsibility regardless. For comparison with previous scenarios, in Golden Arm, anyone would have a responsibility to donate blood to save lives. That Harrison is unique in his ability adds no *additional* responsibility. Similarly, in Sperm Donor I, the biological father has a responsibility to donate bone marrow anyone would have in that situation. The biological father has no *additional* responsibility beyond this. Yet, if unique ability does not magnify a standing responsibility to provide aid to others, then it is unclear *how* Uniqueness grounds responsibility in each of these scenarios. Consequently, it may be argued unique ability grounding responsibility in Sperm Donor I is just as "mysterious" as appeals to biological relations are.

One way to rebut this objection would be to isolate an additional responsibility stemming from unique ability. Consider the following thought experiment:

> Button: Ten individuals in a room, empty but for a single button on a wall, are told that if one, and only one, of the ten does not press the button within half an hour, a stranger in a separate room will die. The ten agree that they each have a standing responsibility to save the stranger. In determining who will press the button, they draw ten uneven straws one individual has provided. The individual drawing the longest straw decides first whether he will press the button or not. If not, then the individual drawing the second longest straw decides whether to press the button. This continues until the individual with the shortest straw has to make a decision. The first nine individuals decide not to press the button. The tenth individual, X, confident no one else will press the button, also decides not to press the button.

Presumably, each of the individuals has done something blameworthy. They have each decided to allow the stranger to die. X's decision, however, seems *worse* than the other nine decisions not to press the button. X knows he is the only person able to save the stranger, and yet he decides not to press the button. While X, and each of the other individuals, may have a standing responsibility to save the stranger, X's action seems *more* blameworthy. If X's decision not to press the button is *more* blameworthy than the other nine individuals' respective decisions, and the only salient difference between X's decision and the respective decisions of the other nine individuals is X's unique ability, this suggests unique ability does ground an *additional* responsibility distinct from a presumed standing obligation to aid others. Similarly, the preceding scenarios where unique ability is exhibited imply an *additional* responsibility for the unique agent. Indeed, this *additional* responsibility is *how* Uniqueness grounds perceived responsibility in scenarios where it is exhibited, by magnifying a standing responsibility to aid others.

The How of Biological Relations

A **Partial Theorist** might accept the above arguments and yet *still* maintain biological relations ground some responsibility. For, **Partial Theorists** might argue biological relations *also* magnify a standing responsibility to aid others. It may be argued that *how* unique ability grounds responsibility in Sperm Donor I is *how* biological relations ground responsibility in this scenario. Consequently, there is no reason to favor an explanation of Sperm Donor I with unique ability rather than biological relations. The **Partial Theorist** might add, the scenario where biological relations cannot ground responsibility, Golden Arm, can be explained by unique ability, but scenarios where biological relations and unique ability are exhibited may be *overdetermined*. Both unique ability and biological relations might magnify a standing responsibility, providing *additional-additional* responsibility.

If this objection is correct, then the following scenario should elicit intuitions that the biological father bears a greater responsibility:

> Sperm Donor IV: Same as Sperm Donor I, except exactly 1000 individuals can donate bone marrow. They are all strangers to the sick child. One stranger happens to be the child's biological father.

It is not clear the biological father has *more* of a responsibility to donate than the other strangers do. Admittedly, if the biological father does not donate bone marrow he may be blameworthy. However, would the biological father be *more* blameworthy than the strangers would be if no one donates? This seems unlikely. If the biological father is not *more* blameworthy here then it is also unlikely he has *more* responsibility than the strangers do. They are all equally responsible. Then it seems **Partial Theorists** cannot appeal to the same explanation for *how* unique ability grounds responsibility. For, if biological relations magnify a standing responsibility then the biological father should have *more* responsibility to donate in this scenario than the strangers do. However, it is not obvious that he does.

Objection: Question-Begging

Proponents of the **Partial Thesis** might object that the very point at issue is whether the biological father has more of a responsibility to donate than the strangers in Sperm Donor IV; simply claiming the biological father does not have more responsibility begs the question against the **Partial Thesis**.

In response, first note our conclusion drawn from Sperm Donor IV is weaker than claiming outright that the biological father does not have more responsibility than strangers in the scenario. Rather, the conclusion drawn is that it is not clear the biological father does have more responsibility. Advocates of the **Partial Thesis** will be inclined to say he does; opponents will be

inclined to say he does not. Progress in this dispute may be made by appealing to commonsense

judgments of moral responsibility in relevantly similar scenarios. Before proceeding down this path

of adjudication, however, it is worth highlighting the role commonsense judgments of moral

responsibility play in this debate. This is especially pressing given recent claims that intuitions are not

used as evidence in philosophical theorizing[156] and so are not used as evidence in ethical disputes.

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[156]A prominent argument against the claim that intuitions are used as evidence in philosophical

theorizing has been offered by (Cappelan, 2012) and (Deutsch, 2015). After analyzing a corpus of

texts they believe represents philosophy, these authors conclude philosophers do not appeal to

intuitions as evidence. This is in route to conclude that experimental findings about intuitions are

irrelevant when assessing philosophical methodology. The accuracy and generalizability of their

argument has been questioned (Nado, 2017), (Weinberg, 2014). (Egler, 2020) argues even if

Cappelan and Deutsch have shown intuitions do not play an evidential role in philosophical

inquiry, they are nevertheless epistemically significant. (Cappelan, 2014) and (Deutsch, 2017) have

offered responses to critics which turn on questions about the nature of evidence, among other

challenging issues. For my part, I agree with (Climenhaga, 2017) who provides an argument to the

best explanation – based on philosopher behavior, such as the use of error theories – to conclude

philosophers do use intuitions as evidence. Additionally, I find it difficult to make sense of the

quotes to follow without accepting that philosophers do use intuitions as evidence.

And yet, dialectical moves in many ethics debates often rely on what Jeff McMahan calls "spontaneous moral judgments"[157] or "intuitions" that "provide evidence"[158] of the existence and nature of moral principles. When adjudicating among normative theories and their respective positions on abortion, death, and euthanasia, McMahan appeals to commonsense intuitive judgments,[159] champions the benefits of aligning with "common and compelling" intuitions,[160] observes costs normative theories adopt as "commonsense rebels",[161] and is motivated to do "justice to the full range of commonsense beliefs about the morality of killing."[162] When defending the **Partial Thesis** McMahan claims biological relations are what "most of us think",[163] explains the presumed special moral responsibility biological fathers have to aid their offspring, acknowledging this is "nothing more than a bare intuition". McMahan is not alone; David Velleman claims the relevance of biological relations to such a special moral responsibility is a matter of "universal common sense",[164] while Moschella claims appealing to biological relatedness in such cases aligns

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[157]Characterization of elicited moral intuitions, generally, as "spontaneous moral judgments" is found in (McMahan, 2000).

[158](McMahan, 2000, pg. 10).

[159]*ibid.* p. 395.

[160]*ibid.* p. 104.

[161]*ibid.* p. 154.

[162]*ibid.* p. 189.

[163](McMahan, 2003, pg. 376).

[164](Velleman, 2008, pg. 256).

with "many commonsense intuitions and practices."[165] Appeals to intuitive judgements concerning

moral responsibility in tissue donation cases are also found in Weinberg, Kolodny, Millum, and

Rulli.[166] Whatever position of the debate, proposals aligning with commonsense intuitive judgments

are considered preferable to proposals which do not.

Importantly, none of the preceding philosophers claim ethical inquiry should be sharply

constrained by commonsense intuitive judgments. Rather, intuitive judgments are treated as

defeasible starting points that may be overridden by further philosophical considerations. These

starting points are nevertheless taken seriously. Normative theories in general gain support when

they align with commonsense intuitions about the morally right behavior and take on costs when

they do not. Utilitarianism, for example, gains some measure of support by obligating one to flip the

switch in the standard trolley problem[167] scenario, in which one individual is sacrificed to a barreling

trolley to save the lives of five others. For the standard version of the problem, this aligns with

strongly held intuitions about the moral course of action.[168] On the other hand, Utilitarianism takes

on a cost by obligating the physician in the standard organ harvest case – where five organs are

needed to save five patients, and an individual with five healthy organs is under the physician's care

– to sacrifice the healthy individual to save the five dying patients. For the standard version of the

organ harvest scenario, this conflicts with strongly held intuitions about the morally right course of

action for the physician. Not aligning with such intuitions calls out for explanation. This is,

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[165](Moschella, 2014, pg. 421-440).

[166](Weinberg, 2008), (Kolodny, 2010), (Millum, 2008), (Rulli, 2014).

[167](Foot, 1976), (Thomson, 1976).

[168](Navarrete et. al., 2011), (Bleske-Recheck et. al., 2012).

moreover, in keeping with the use of commonsense intuitions in other branches of philosophy, such as metaphysics and philosophy of language.[169]

Now, as witnessed above when justifying appealing to commonsense intuitions about morality, proponents of the **Partial Thesis** claim that biological relatedness grounding a special moral responsibility aligns with commonsense morality. If advocates of the **Partial Thesis** explain how biological relatedness plays this role in moral judgments of responsibility by appealing to a standing responsibility to help others, then they seem committed to the biological father in <u>Sperm Donor IV</u> having more responsibility to donate bone marrow than strangers do in that scenario. To adjudicate this dispute, a series of experimental studies were conducted that strongly suggest the biological father does *not* have more responsibility in these scenarios.[170] In these studies, participants were presented with variations of tissue donation cases - one of which was <u>Sperm Donor IV</u> - and asked to provide judgments of moral responsibility. One result of these studies was that unique ability plays a significant role in commonsense judgments of moral responsibility. When donors were unique, or one among two, or one among five, respondents claimed potential donors had a moral responsibility to donate bone marrow to save a life. In contrast, when potential donors were one among 1000, they were not judged to have a moral responsibility to donate, whether biologically related or not. Just as important, these studies identified a contamination[171] effect with respect to tissue donation scenarios and biological relatedness. Participants often tacitly assumed that if a potential donor was biologically related to a potential recipient in need, then the donor's tissue was

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[169](Benovsky, 2013), (Hirsch, 2005).

[170](Beverley & Beebe, 2018).

[171](Monaghan, 2019).

more likely compatible with the potential recipient's immune system than it would be with a stranger's tissue. In other words, for many participants biological relatedness in tissue donation cases presumes unique ability to successfully help the potential recipient. As it was established that unique ability is a morally relevant feature of scenarios where it is exhibited, any putative effects of biological relatedness on moral responsibility seem explainable by appealing to unique ability. The converse explanation, of course, is untenable given that one need not be biologically related to bear a unique ability to help someone in need.

In short, by the lights of commonsense morality – which advocates of the **Partial Thesis** take seriously – unique ability plays a significant role in judgments of moral responsibility, so significant in fact, that it appears to explain any putative effects one might attribute to biological relatedness in relevant scenarios. Even so, we take care in not concluding so strongly from experimental studies and our intuitions surrounding Sperm Donor IV that we beg the question against the advocates of the **Partial Thesis**. In taking care, however, we note justification for the role of biological relatedness in moral responsibility defended by **Partial Theorists** seems suspect, as commonsense morality does not appear to place biological relatedness in such a role; hence, there is little support for maintaining that the biological father in Sperm Donor IV bears more responsibility than strangers. This in turn suggests **Partial Theorists** cannot obviously explain how biological relatedness grounds moral responsibility in the way unique ability does, by magnifying a standing responsibility to provide aid. It thus remains incumbent on advocates of the **Partial Thesis** to provide some explanation for how biological relatedness is supposed to ground moral responsibility. Deviance from commonsense morality and this explanatory burden, moreover, couple with known issues that plague appeals to biological relatedness, e.g. problem cases based on

degrees of biological relatedness and how biological relations are delimited, etc.,[172] making defense

of the **Partial Thesis** onerous. This is not to beg the question against the **Partial Thesis**, but

instead to reveal that with respect to moral responsibility, biological relations appear explanatorily

superfluous, potentially irrelevant, and riddled with demarcation issues; it is to push the burden on

Partial Theorists to address these concerns.

Now, before turning to concerns one might have with the unique ability thesis itself, it is

worth considering a scenario that may yet play to the favor of the **Partial Thesis**.[173] This scenario is

exactly like the original Sperm Donor scenario with some exceptions. First, there are *two* children in

need, one of whom is the offspring of the sperm donor and the other being unrelated. Second, the

biological father is only able to donate bone marrow to one and only one of the children. Third, the

biological father is uniquely able to successfully donate bone marrow that will save one of the

children. Given the setup, the biological father has a moral responsibility to donate bone marrow;

the question is, however, to whom he is responsible. Admittedly, there is some pressure to say the

biological father should donate bone marrow to, and so save the life of, his offspring. Here,

however, we might leverage concerns about the contamination[174] of biological relatedness to raise

suspicion about this pressure. As presented, we are compelled to identify a recipient of the life-

saving bone marrow where these children differ in only one obvious respect, namely, whether they

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[172](Monaghan, 2019, pg. 360-1).

[173]Thanks to Baron Reed for pressing me to explore this scenario on behalf of the **Partial Theorist**.

[174]Though of course biological relatedness being contaminated by unique ability should not raise

 suspicion in this scenario, given that scenario exhibits both features.

are or are not biologically related to the donor.[175] I wager here that biological relatedness is – in addition to being contaminated by unique ability – contaminated by intuitions underwriting parental roles and associated parental responsibilities. When forced to choose a recipient in such a scenario, we may find ourselves implicitly relying on a "familiarity heuristic".[176] That is, we may tacitly tend to assess the probability that biologically related individuals maintain some sort of interpersonal relationship as high, even when explicitly told it is not, because it is cognitively easier to generate from memory instances of biologically related individuals maintaining such relationships than it is to generate instances of biologically related individuals who do not maintain such relationships. Since there are no other stated distinguishing features of the children in need, this tendency may explain why there is some pull to say the biological father in the above scenario should donate to his offspring, despite them having no relationship. If a correct assessment, then this scenario does not play to the favor of the **Partial Thesis**, and appearance otherwise is an artifact of the scenario setup and our familiarity heuristic.

Uniqueness is Too Demanding

Though unique ability was defended as a better explanation than biological relatedness with respect to observed patterns of intuitive judgments across relevant cases, the moral relevance of unique ability has broader consequences. For individuals may find themselves uniquely able to provide help

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[175]Not just any difference would raise suspicion. For example, it seems implausible that being told the eye color of one child but not the other would incline us to choose that child as the recipient. Biological relatedness is not so insubstantial in these cases as eye color. However, this is not because biological relatedness makes a morally relevant difference.

[176](Tversky & Kahneman, 1973).

to others beyond tissue donation. However, given the claim above that unique ability magnifies a standing responsibility to help others when we can, one might worry appealing to unique ability implies the truth of an implausibly strong "can implies ought" principle, such that anyone who can prevent harm, thereby has a moral obligation to do so.[177]

Peter Singer has famously defended perhaps the most popular specification of such a principle:[178] "If it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it."[179] Using this principle, Singer extracted rather exacting consequences for morality. For example, Singer argued that since donating even substantial amounts of our income to famine relief would not be of comparable moral importance to the lives saved by our donations, we are morally obligated to do so. Many find Singer's principle too demanding.[180] On the one hand, it seems we have compelling moral reasons to take whatever steps are necessary to prevent great harm to someone else, assuming there is no comparable risk or harm to yourself. On the other hand, morality does not seem so demanding

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[177]This concern was raised by an anonymous reviewer at *Bioethics* and independently by Jennifer Lackey in conversation.

[178]Singer defends a less stringent principle on which "comparable moral importance" is replaced by "moral significance", and what counts as morally significant may vary based on how moral significance is understood. I focus on the stronger principle here.

[179](Singer, 1972).

[180]The "over-demanding" nature of Utilitarianism was first presented as a cost of Utilitarianism in (Williams & Smart, 1973), but has since been expanded to other normative theories, such as Singer's Effective Altruism.

that you are required to spend your life preventing any great harm to anyone in need. Extreme

opponents of Singer's principle and others like it maintain you are not obligated to help anyone

regardless of the potential harm prevented but are at best only obligated to not harm.[181] More

moderate opponents maintain there must be some "limit to how great a sacrifice morality…can

legitimately demand of agents"[182] as substantial demands would conflict with "motivations necessary

for fully valuable personal projects and relationships.[183] Those sympathetic to Singer's principle, in

contrast, maintain that morality does in fact demand we make significant sacrifices in the interest of

helping others in great need;[184] indeed, helping those in need is not supererogatory, but simply one's

duty.

While sympathetic to claims that morality may indeed be more demanding than most

think,[185] the moral relevance of unique ability – as I understand here - fits naturally with opponents

of Singer and of implausibly strong "can implies ought" principles more generally. To start, unique

ability neither implies the truth of an implausibly strong "can implies ought" principle nor numbers

such a principle among its consequences. Concerning the latter, unique ability only applies to a

specific range of cases, namely, those in which an agent is uniquely able to provide aid or prevent

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[181](Benditt, 1985) seems an early proponent of this view; more recently it has been defended by

(Gert, 2007) who claims there are no duties of beneficence outside those accompanying

professional and institutional roles agents voluntarily adopt.

[182](Murphy, 1993, pg. 268).

[183]*ibid.* pg. 270.

[184]See (Singer, 2004) and (Unger, 1995) for discussion.

[185](Beverley & Beebe, 2017, pg. 14).

harm. Such a general principle about ability and obligations cannot thereby be a consequence of unique ability.[186] Concerning the former, while unique ability is claimed to magnify a standing responsibility each of us has to prevent harm and provide aid, and so *a fortiori* depends on the existence of such a principle, this standing responsibility is neither an unrestricted version of "can implies ought" nor must it be anything as strong as Singer's principle which requires sacrifices up to "comparable moral importance." As I understand it, the standing responsibility we each have to prevent harm may be outweighed by countervailing features of a given scenario that fall well short of a comparable moral sacrifice.

To illustrate, consider Singer's much-discussed *Drowning Child* case, in which you could easily rescue a small child drowning in a shallow pond, though doing so would sully your clothing.[187] It seems clear that you should save the child, and this plausibly stems from a standing responsibility to prevent great harm when doing so imposes minimal costs to yourself. Contrast this case, however, with a version in which saving the drowning child requires losing your legs.[188] It is much less clear

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[186]One might have a nearby concern. Singer is sometimes criticized as inferring his general principles from cases in which one is intuitively required to rescue someone (Gomberg, 2002, pg. 31). Singer denies this; I similarly would deny such an accusation. General principles may be suggested as best candidate explanations for intuitions arising from a range of cases, but such principles are not entailments exhibiting any sort of "philanthropic fallacy" like Gomberg describes.

[187](Singer, 1972).

[188]Compare (Kamm, 2007, pg. 416) who argues against Singer's principle by considering whether judgments of duty persist when the relevant sacrifice is a limb, or more substantial body part. As Kamm notes, Singer accepts such unintuitive consequences but claims his principle is not thereby

you have a responsibility to save the child here, and this is plausibly because the above standing responsibility has been overridden by the costs associated with satisfying that responsibility. Importantly, a standing responsibility to prevent harm when able is not falsified because in some scenarios where agents can prevent harm, they are nevertheless not obligated to do so. Parallel remarks apply to unique ability. To illustrate, consider Thomson's well-known violinist case, in which you have been kidnapped by a Society of Music Lovers and hooked up to a famed musician so that "your kidneys can be used to extract poisons from his blood."[189] Assume further that you are the *only* person able to help the dying musician. If unique ability is morally relevant, then you have more responsibility to do so than you would if others could step in and help. Nevertheless, several morally relevant features of the scenario plausibly undermine whatever responsibility you bear to save the violinist's life.[190] For example, you must remain attached to the violinist for approximately nine months, a considerable and morally relevant burden. As another, you have been kidnapped and attached to the violinist against your will, morally relevant features of the scenario that plausibly

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undermined, since the "way people do in fact judge has nothing to do with the validity of my conclusion…" which "…follows from the principle…unless that principle is rejected…the conclusion must stand, however strange it appears." (Singer, 1974, 236). I agree with Kamm, however, that "our intuitions about general principles must be tested against our intuitions about the implications of general principles for cases." For it is not obvious that our intuitions about cases are "less reliable than those about principles." (Kamm, 2007, pg. 417-8)

[189](Thomson, 1971).

[190](McMahan, 2002), (Boonin, 2003), (McDaniels, 2014).

justify unplugging yourself from the violinist. Importantly, the salience of unique ability[191] is not undermined because in some scenarios where agents are uniquely able to prevent great harm, they nevertheless are not obligated to do so.[192]

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[191]It is perhaps worth adding that unique ability described here aligns with both legal and moral norms which themselves are not taken to imply the truth of an unrestricted "can implies ought" principle. 10 U.S. states currently maintain duty-to-rescue statutes requiring bystanders to provide assistance in emergency situations, assuming doing so is not dangerous for the bystander. Failure to provide direct assistance in Minnesota or Vermont may result in misdemeanor charges, while California, Florida, Hawaii, Massachusetts, Ohio, Rhode Island, Washington, and Wisconsin require emergency technicians or law enforcement be contacted (Volokh. E., 2009). Again, none of these duty-to-rescue statutes plausibly imply anything as strong as a legal version of "can implies ought".

[192](Thomson, 1971, pg. 63-4) considers a scenario in which she is dying from a fever that could be immediately cured by Henry Fonda's cool hand pressed against her forehead. Unfortunately, Henry lives on the other side of the country. Thomson claims Henry has no obligation to provide her aid. On the other hand, were he in the same room and simply refused to touch her forehead, that would be "indecent." It is unclear, however, whether Thomson meant to imply that Henry was obliged to walk across the room, but not obliged to fly across the country, or whether Henry was not obliged to do anything to save the life of another. Since the latter seems clearly false, charity recommends the former reading. If so, this suggest Thomson considers the burden of, say, travel, to be a morally relevant feature of scenarios.

Generalizing Uniqueness and Group Moral Responsibility

Of course, claiming the limit of sacrifice is something less substantial than sacrifices of "comparable moral importance" may avoid concerns of over-demandingness, but without a specification of the standing responsibility to provide aid, one may worry nonetheless. Discussion around Singer's principle is again instructive, as some find it too demanding yet maintain the "project of finding a suitable principle that governs our duties is a fruitful one."[193] For example, some have sought to replace Singer's principle with a weaker principle of sacrifice, according to which only middle-class citizens of affluent nations are morally required to use at least 10% of their income to improve the lives of others.[194] This weaker principle has in turn been met with counterexamples and charges of ambiguity.[195] A so-called "principle of sympathy" has, alternatively, been proposed as a replacement, which states – roughly – that one need only do so much that doing more would make our lives meaningfully worse.[196] This principle too has been criticized for ambiguity but also for potentially being so weak that it lets affluent people off the hook entirely.[197]

Given the apparent challenges of identifying a viable replacement principle that addresses worries about demandingness, I pursue a different track. Rather than propose a specification of the standing responsibility on which I claim unique ability depends, I will instead attempt to soften

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[193](Slater, 2021, pg. 2).

[194](MacAskill, Mogensen, & Ord, 2018, pg. 179).

[195](Slater, 2020, pg. 466).

[196](Miller, 2004, pg. 359).

[197](Slater, 2021, pg. 13).

demandingness worries by identifying morally relevant features of scenarios that may magnify or undermine one's responsibility. The cases of Section I, in fact, provide a starting point for this discussion. For example, the potential cost to oneself and potential benefit you might be able to provide is morally relevant and may result in more responsibility based on the scenario. Voluntary acceptance of responsibility also seems a morally relevant feature of scenarios where it is exhibited. If one adopts a child, for instance, they take on additional responsibility to help that child if they are in need, beyond whatever standing responsibility anyone else might have to help. Relatedly, that you bear a special relationship with someone in need is morally relevant and may result in your having more responsibility to help than others not involved in the special relationship would have. For example, a parent raising a child in need has a stronger responsibility to help that child if they can, than a stranger would. Indeed, responsibility may be influenced by both the type and quality[198] of the special relationship. One may bear more responsibility to help one's parent than to help one's close friend; one may bear more responsibility to help very close friends in need than they bear to help other friends in similar need.

The degree to which one is able to help plausibly influences moral responsibility and is itself a heterogenous class. As one example, certain individuals in affluent societies maintain more wealth than they, their children, and close friends could use in a lifetime. These individuals could donate substantial portions of their income to those in need without thereby needing to change their affluent lifestyles. That they are able to help much more than others are, is morally relevant, and plausibly grounds more responsibility to help than less affluent others have. From another direction, certain individuals occupy roles of substantial influence, whether institutional or professional.

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[198](Nehemas, 2010, pg. 32-4).

Occupying such a role – and wielding the accompanying influence – may generate moral responsibilities in scenarios where that influence is relevant. Morally relevant influence might also stem from privilege associated with the color of one's skin, race, class, gender, sexuality, age, abilities, etc. Chapter 3 explores in more detail how one's responsibility may be magnified or diminished based on influence associated with these features.[199]

Important for our purposes is to note that many of these morally relevant features of scenarios may pull in opposite directions, resulting in magnified or diminished or perhaps even eliminated responsibility. Consequently, the demand that the standing responsibility - on which I claim unique ability depends – appears to impose on agents in the abstract, is often curtailed to some

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[199]Some argue that physical distance is morally relevant. One consequence of such views is that we are obliged to save a drowning child nearby but not obliged to donate to famine relief, because – simply put – the child is significantly closer. (Singer, 1972) objects that one would still be obliged to help a friend in similar need who happened to be quite distant from us. While I think Singer's counterexample here is contaminated, in that the special relationship is likely underwriting intuitions concerning obligations in this scenario, I nevertheless agree that "unlike many physical forces, the strength of moral forces doesn't diminish with distance." (Unger, 1996, pg. 33). From another direction, (Belliotti, 1986) defends an account of "metaphysical proximity" that is claimed to ground moral responsibilities. Belliotti's proposal, however, entails one would have "more responsibility to one's clone than to one's biological child if we hold fixed the other special moral obligation grounding features." (Monaghan, 2019, pg. 14). This seems the wrong prediction, however.

extent by morally relevant features of concrete scenarios. There are then several pathways by which to avoid overdemanding concerns, with evaluation conducted on a case-by-case basis.

Thus far, we have focused on moral responsibility from the perspective of individuals. But assuming a unique ability to help others or prevent harm is a morally relevant feature of scenarios, a natural question concerns one's responsibility to prevent harm in the event others can do so as well.[200] Exploring this topic takes us from focusing on responsibility at the individual level to emphasizing group responsibility. And here we find good company among proposals designed to avoid over-demandingness by appealing to principles at the level of groups.[201] Paradigmatic of the

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[200]Singer suggests not, and maintained that unique ability is not in fact morally relevant. He claimed that one would not be relieved of the obligation to save the drowning child if others who could help were around, though not helping. I agree that anyone able to help who simply watches a child drown is morally blameworthy, and this is true regardless of how many people stand idle watching. This does not mean, however, that the presence of others is not morally relevant. The number of individuals nearby who are able to help may *diminish* your responsibility to help, but in the presence of a drowning child, your responsibility will *not* diminish so much as to eliminate your responsibility.

[201]Groups form a varied, broad, class. Some exhibit formal structure, such as the Supreme Court; some lack formal structure but membership is voluntary, such as wrestling fans, or not, such as children; some groups are so broad as to include us all, such as members of the moral community (Lackey, 2020, pg. 30). We put this complexity aside in the subsequent discussion.

shift are Cohen[202] and Murphy[203] who have, respectively, defended beneficence as a duty we have as at the level of groups. For Cohen, one has a duty to do one's share, which is what you would be required to do if everyone else did their part. For Murphy, collectives have a cooperative aim, where members work together to promote the good, and where morality demands no more than it would demand of me were everyone else fulfilling their duties. In either case, there is responsibility at the group level, and individuals receive a share of that responsibility. In either case one is not responsible for "in addition to one's own share…the shares of noncomplying agents."[204] By focusing on fairness among group members, both Cohen and Murphy hope to satisfy the intuition that members should not be obligated to do more than their share in the face of non-compliance by other members, and so avoid familiar over-demandingness concerns.

Despite initial promise, constraining morality to what one must do if everyone else did their part leads to problematic assessments of various scenarios.[205] Consider for example[206] two individuals – Gallant and Goofus - walking by a shallow pond observe two children drowning. While Gallant rushes to save one, Goofus ignores the situation and continues walking. If morality is constrained in the way Cohen and Murphy maintain, then Gallant is not obligated to do anything

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[202](Cohen, 1981).

[203](Murphy, 1993).

[204](Murphy, 1993, pg. 267-8); (Murphy, 2000, pg. 76).

[205](Schroeder, 2013, pg. 12). See also (Cullity, 2004) for a sustained discussion of Murphy's proposal.

[206](Rachels, 1979).

more than what would be required were Goofus to help. Hence, it is morally permissible for Gallant to let the other child drown. This is an unpalatable consequence.[207]

What seems needed is an account of the relationship between responsibility at the collective and individual level that respects demandingness constraints while addressing concerns over members of the collective being forced to pick up the slack of non-compliant members. The reason for the untenability of Cohen's and Murphy's respective proposals is itself instructive here: they are absolute.[208] But just as it was claimed above that my preferred understanding of a standing responsibility to prevent harm is best characterized as sensitive to morally relevant features of scenarios, so too we might adopt Cohen's and Murphy's insights understood as similarly sensitive. Following Horton discussing Murphy on this point, we note that in general objections to fairness principles such as Murphy's vary in strength depending on, among other things, how great the consequences of unfairness are, which is why "considerations of fairness are naturally and standardly

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[207](Cohen, 1981, pg. 76-8) bites the bullet; (Murphy, 1993, pg. 127-33) and (Murphy, 2000, pg. 121-2, 131-3) seasons the bullet before biting, but in doing so admits that extremely destitute individuals are not required to aid others at all, even if it is easy to do so; roughly speaking, they have so little, any sacrifice would be unfair. It seems at least as unpalatable, however, to maintain that an extremely destitute individual has no responsibility to save a drowning child if easy to do so, as it does to suggest Gallant is morally permitted to let the second child drown. Worse, this concern can be generalized to affluent middle-class citizens in developing nations owing to the existence of "low-cost-high-benefit" cases as discussed in (Horton, 2011, pg. 91-2).

[208](Murphy, 1997, pg. 77).

taken to be decisive in some contexts and not others."[209] It may, for example, be genuinely unfair for Gallant to bear a responsibility to save both drowning children while a Goofus refuses, but unless Gallant has reasons to refrain that override saving a life, that unfairness is plausibly overridden.

To add substance to this proposal, we can follow a suggestion of Schroeder,[210] namely, characterizing the relationship between individual and group responsibility in terms of plans. Just as an individual who fails to save a drowning child by tossing in a lifesaver, is responsible for identifying an alternative plan for saving the child, so too members of groups should have *back-up plans* in case of non-compliance with what Schroeder calls the *primary plan*. Goofus's reluctance to adhere to a primary plan and save one child results in Gallant needing to implement a back-up plan that involves saving another child. As I understand this proposal, Gallant's responsibility to have a back-up plan does not emerge from Goofus's reluctance to save the drowning child. Rather, Gallant was *already* responsible for having a back-up plan. What emerges from Goofus's behavior is a reason for Gallant to *implement* that back-up plan. That said, Gallant's responsibility in this scenario to have a back-up plan should not be taken to imply that individuals are always required to have back-up plans as members of groups; that would itself be over-demanding. Whether an agent is responsible for having a back-up plan is influenced – as other responsibilities – by morally relevant features of scenarios; in this case, the stakes are so high that Gallant plausibly should have a back-up plan.

Familiar morally relevant candidate features of scenarios include: occupancy of an institutional role, social role, expertise, etc. On the one hand, individuals occupying positions of

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[209] (Horton, 2011, pg. 92).

[210] (Schroeder, 2013, pg. 17-22).

authority, wealth, class, status, expertise, etc. are often able to prevent more harm and provide more aid to those in need than others are. A trained, but off-duty, lifeguard on a crowded beach watching a child drown plausibly has more responsibility to save the child than other untrained onlookers; the lifeguard has expertise not shared by onlookers. But this need not let those onlookers on the beach off the hook. Were the lifeguard to refrain from saving the child - perhaps citing being off-duty as a reason – the onlookers would, as a group, plausibly still have a responsibility to implement a back-up plan to save the child. It may be genuinely unfair that an onlooker bears a responsibility to save the drowning child given the lifeguard's cited reason, but unless the onlooker has a reason to refrain that overrides saving a life, then a back-up plan should be implemented. If, for example, an onlooker has been paralyzed by jellyfish, then that onlooker can cite the paucity of effective back-up plans they might implement to save the child. In this way, familiar morally relevant features of scenarios may influence how a group satisfies a group responsibility.

Foreshadowing a bit, the distinction between primary plans and back-up plans[211] fits nicely with the moral principles defended in Chapter 3 below, which are themselves compatible with unique ability and a standing responsibility to help. In Chapter 3 it is noted that if a privileged speaker does not know how to help a marginalized speaker communicate effectively in a hostile conversational context, then it seems incorrect to say they nevertheless have a responsibility to provide help. Privileged speakers may worry – rightly - that attempts to help may do more harm than good given their ignorance,[212] and since they plausibly bear a responsibility to refrain from

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[211]I agree with (Schroeder, 2013, pg. 23, 25) that often groups have neither primary nor back-up plans, i.e. they are *unorganized*. I stick with unorganized groups in what follows.

[212](Beverley & Hurley, 2021).

action that is harmful, they may instead choose to err on the side of caution and do nothing. Nevertheless, privileged individuals in these scenarios have a responsibility *to remedy their ignorance* and learn to help marginalized individuals in such scenarios, sensitively and effectively. There is no obvious primary plan for helping marginalized speakers communicate in a hostile conversational context. But given the privileged speaker's ignorance, a plausible back-up plan is to seek education.

The result of this discussion then is a defeasible principle of fairness applying to groups that interacts with morally relevant features of scenarios that typically apply to individuals. Put another way, in the spirit of Cohen and Murphy it is a plausible *prima facie* constraint on the demandingness of morality is that individuals not be required to do more than their fair share in the presence of non-compliance by other group members, modulo details of the scenario. Influence by morally relevant features of scenarios, however, may once again raise demandingness concerns. But Schroder again provides a way forward. In scenarios where both stakes and non-compliance are high and there is a potential need for great sacrifice, e.g. climate pollution, famine relief, there are often many reasonable – efficacious and morally permissible – back-up plans. Not all such reasonable plans require sacrificing up to, say, "comparable moral importance" as Singer's principle demands. In such scenarios, since there is no primary plan and there are no specific back-up plans adopted by one's group, group members are permitted to choose among reasonable back-up plans. Since not all reasonable back-up plans require, say, donating most of one's income to famine relief, we are not required to choose a back-up plan with such consequences.

Taking stock, I have attempted to address concerns over the apparent demandingness of the individual level standing responsibility to prevent harm when one can. Rather than attempt to defend a specification of this principle, I instead focused on the wide range of morally relevant

features of scenarios that plausibly constrain or perhaps magnify one's responsibility. Turning to the group level, specifically fairness and group responsibilities to prevent harm, I outlined how fairness too might be overridden based on morally relevant features of scenarios, expanded on group member responsibility in the presence of non-compliance via primary and back-up plans, and softened demandingness concerns by observing the range of reasonable plans agents might implement in scenarios often taken to require great sacrifice, need not always require such sacrifice.

Conclusion

As indicated in Section II, it is not clear *how* biological relations ground responsibility, and

commonsense morality does not seem to hold biological relatedness in the same regard as **Partial**

Theorists. Combined with the standard concerns one might have about biological relatedness

grounding moral responsibility, and the conclusion of Section I suggesting biological relatedness is

explanatorily superfluous, appealing to biological relations to explain Sperm Donor I seems

untenable. Unique ability, rather, likely grounds responsibility here and in Misplaced Sperm.

Additionally, Golden Arm shows the significance of unique ability in grounding responsibility in

other scenarios. Moreover, unique ability grounds an *additional* responsibility for the biological father

in Sperm Donor I, a responsibility beyond any presumed standing responsibility he might have to

provide aid. Ultimately, the burden of proof is shifted by these considerations to the **Partial**

Theorist to provide some explanation for *how* biological relations ground responsibility. Otherwise,

the best explanation for Sperm Donor I, and similar scenarios, will not depend on appealing to

biological relations. Sperm Donor I is an important weapon in the arsenal of the **Partial Theorist**.

To that extent, **Partial Theorists** should be uniquely worried.[213] More generally, though unique

ability depends on a standing responsibility to prevent harm, as evidenced here, it need not be

implausibly demanding. Moreover, this proposal fits naturally alongside defeasible principles of

fairness characterizing group level responsibility, providing a fuller picture of morality while avoiding

excessive burdens.

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[213]An appendix has been included that provides a semi-formal characterization of unique ability

  developed from considerations in this paper.

Appendix: Unique Ability Characterized

In its strictest form, unique ability is the *specific* ability, SA, of an agent, G, to perform an action, φ,

no one else is able to perform, in some circumstance C. Additionally, unique ability:

(i) Does not depend on *consent* (accepting SA is not necessary)

(ii) Is *zero-sum* (G is either unique or not)

(iii) Is *environment-sensitive* (spatiality/temporality affect SA)

(iv) Is *epistemically-sensitive* (ignorance of capability affects SA)

(v) Entails *additional responsibility* for G (magnifies a standing responsibility to aid others)

(vi) Is consistent with special responsibilities such as persistent, parental, biological, and familial responsibilities

I briefly elaborate these features of unique ability with respect to <u>Golden Arm</u>. Recall, Harrison has

a responsibility to donate his blood plasma grounded in a unique ability. Harrison did not decide to

have this blood plasma. This suggests unique ability does not depend on *consent*. Expanding the

scenario to include multiple people capable of offering comparable blood plasma eliminates

Harrison's unique ability and thus, his *additional* responsibility. This suggests unique ability is *zero-sum*,

i.e. the burden of donation would be shared among those with the appropriate blood plasma.

Further considering novel sources of blood plasma suggests unique ability is *environment-sensitive* and

epistemically-sensitive. For instance, if all potential donors but Harrison were located in a remote part of

the world and unable to donate blood, or perhaps could not be retrieved so that donations could be

made, then Harrison would remain unique. Similarly, if all others were ignorant of having this

particular blood plasma, then it seems unlikely that they have, respective, *additional* responsibilities,

beyond responsibilities anyone might have to donate. On the other hand, if these donors all lived in

the same community and were capable of donating, then it *does* seem intuitive that Harrison's

additional responsibility to donate stemming from unique ability has vanished.[214]

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[214]I note here, though not explicitly discussed in the preceding scenarios, unique ability should be

refined to reflect generality and particularity. Harrison is unique in his ability to donate, but likely

could not extract and preserve the blood plasma on his own. Harrison then is *particularly* unique

whereas, say, The Red Cross donation center on 24th Street and affiliated employees are *generically*

unique.

Speak No Evil: Understanding Hermeneutical (In)justice

Abstract

Miranda Fricker's original presentation of *Hermeneutical Injustice* left open theoretical choice points

leading to criticisms and subsequent clarifications with the resulting dialectic appearing largely

verbal. The absence of perspicuous exposition of hallmarks of Hermeneutical Injustice might

suggest scenarios exhibiting some – but not all – such hallmarks are within its purview when they are

not. The lack of clear hallmarks of Hermeneutical Injustice, moreover, obscures both the extent to

which Fricker's proposed remedy *Hermeneutical Justice* – roughly, virtuous communicative practices –

adequately addresses the injustice, and the accuracy of criticisms suggesting that Hermeneutical

Justice is insufficient to the task. In what follows, after briefly defending necessary and sufficient

conditions for what I take to be the best candidate interpretation of Hermeneutical Injustice, I build

on recent work on moral responsibility to construct and defend a rigorous explication of

Hermeneutical Justice.

Introduction

Gaps in collective hermeneutical resources stemming from prejudice may result in members of marginalized groups being unable to render harmful experiences intelligible to themselves or others (Fricker, 2007, pg. 1; Fricker, 2016, pg. 166). Miranda Fricker identifies such situations as instances of *Hermeneutical Injustice* **HI**. For example, prior to the introduction of the term "sexual harassment," there was a gap[215] in the relevant collective understanding – the intersection of hermeneutical resources among groups that just about anyone can be expected to draw upon and be understood by anyone else (Fricker, 2016, pg. 161). This lacuna hindered attempts by, say, women harassed in the workplace, from fully understanding these harmful experiences.

Fricker's original presentation of **HI** left open theoretical choice points leading to criticisms (Dotson, 2012; Mason, 2013; Medina, 2013) and subsequent clarifications (Fricker, 2016) with the

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[215]Not all "gaps" result in **HI**. First, it is plausible collective hermeneutical resources contain a confounding surplus resulting in, say, suspension of belief. But since this "gap" operates at the level of belief it will not result in **HI** (Fricker, 2016). Second, agents who have not inferred implicit resources from explicit hermeneutical resources exhibit a "gap" but this also operates at the level of belief. Corollary: generating new hermeneutical resources must sometimes arise *ex nihilo*. Suppose otherwise. Presumably, a conceptual definition corresponding to the phrase "sexual harassment" could have been constructed by Woods prior to introducing the term based on available conceptual resources, e.g. this or that behavior with this or that intention. But that suggests "sexual harassment" was implicit in the existing resources and Woods simply failed to identify it. Hence, this is a failure at the level of belief and so not **HI**. But this *is* **HI**. Hence, the concept was not implicit in existing resources.

resulting dialectic appearing largely verbal. The absence of perspicuous exposition of hallmarks of **HI** might suggest scenarios exhibiting some – but not all – such hallmarks are within its purview when they are not. The lack of clear hallmarks of **HI**, moreover, obscures both the extent to which Fricker's proposed remedy *Hermeneutical Justice* **HJ** – roughly, virtuous communicative practices – adequately addresses the injustice, and the accuracy of criticisms suggesting that **HJ** is insufficient to the task. In what follows, after briefly defending necessary and sufficient conditions for what I take to be the best candidate interpretation of **HI**, I defend a rigorous explication of **HJ**.

More specifically, in **Section 2** I argue in favor of necessary and sufficient conditions for **HI** and show how they might clarify verbal disputes. In **Section 3**, I explicate **HJ** as cultivation of virtuous conversational skills directed towards charitable understanding of marginalized speakers. I articulate epistemic and moral aspects of **HJ** as independently motivated context-sensitive standing responsibilities we all share and - building on previous work (Beverley, 2016; Beverley & Beebe, 2017) - observe one consequence of understanding **HJ** in this manner is that certain agents may bear substantial responsibilities in contexts exhibiting **HI**. In **Section 4**, noting Fricker might balk at such a consequence since **HI** is a structural injustice often lacking perpetrators, I show there is conceptual space in Fricker's account for responsibility I claim should constitute **HJ**, suggest the proposed context-sensitive principles may provide responses to critics who question the efficacy of Fricker's characterization of **HJ**, and illustrate how these principles provide clear mechanisms for analyzing responsibility among clinical psychologists and in cases where marginalized individuals might be expected to educate privileged individuals. Given the explanatory benefits, plausibility of applications, etc., I conclude Fricker has overwhelming reasons to adopt the explication of **HJ** offered here.

Explicating Hermeneutical Injustice

Fricker's initial characterization of **HI** as gaps in collective epistemic resources underwritten by prejudice, left room for interpretation. Following (Goetze, 2018)'s characterization, some (Dotson, 2012; Mason, 2013) understood "collective epistemic resource" as the *only* available epistemic resources across marginalized and non-marginalized communities. This reading entailed marginalized groups could not in principle develop local epistemic resources; either everyone had a given epistemic resource or no one did. Since marginalized groups clearly do develop local epistemic resources not necessarily shared by the collective, Fricker's characterization of **HI** thus seemed problematically exclusionary. Others (Medina, 2013) understood "collective epistemic resource" as the *union* of epistemic resources across marginalized and non-marginalized communities but argued Fricker's account of **HI** overlooked ways in which members of marginalized communities develop local hermeneutical resources to understand harmful experiences. Marginalized individuals might avoid **HI** when reflecting on harmful experiences or communicating with other members of their local community, but experience **HI** when attempting to communicate with non-marginalized individuals who lack those local hermeneutical resources. Fricker's initial characterization of **HI** seemed to overlook this distinction.

Verbal Disputes, Conceptual Gaps, and Extension

Fricker (Fricker, 2016) clarified "collective" was to be understood as the *intersection* of epistemic resources any member of the relevant community could be expected to have access to. This allows that marginalized communities may have local epistemic resources not shared by the larger community, and so avoids concerns of the first sort. To address concerns of the second sort, Fricker

extended[216] the initial characterization of **HI** to a spectrum of species of the phenomena. On one boundary are paradigmatic cases of **HI** - Carmita Wood experiencing sexual harassment before coining the term - called *maximal* **HI**, since the gap in collective epistemic resources is global. On the other boundary are cases where the gap in collective resources is local, called *minimal* **HI**, which involve marginalized individuals sufficiently equipped with hermeneutical resources to understand their harmful experiences, but who are unable to be understood by those lacking the same resources. Fricker claims Joe from the novel *Enduring Love* exhibits minimal **HI**: Joe is being stalked by a religious zealot but is unable to articulate his harmful experiences to police, as his stalker has not - strictly speaking - committed a crime.[217]

The preceding disputes, it seems, stemmed largely from ambiguity in Fricker's initial presentation of **HI**; Fricker's clarifications seem adequate to address the concerns. More clarification

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[216]Fricker claims "…a commitment to the existence of localized interpretive practices…is present…in the…original account of hermeneutical injustice." (Fricker, 2016, pg. 167). I am skeptical. First, extending the original theory to maximal/minimal **HI** hardly shows they were implicit; theory extensions are cheap. One can consistently extend a minimal linear order to either a dense or discrete order, but not both. Similarly, Fricker's original account could be consistently extended in ways inconsistent with maximal/minimal **HI**. Second, appealing to Joe (Fricker, 2016, pg. 2016) as hermeneutically marginalized as evidence of minimal **HI** is questionable (Romdenh-Romluc, 2016).

[217]This is precisely the case Fricker used to introduce incidental **HI** (Fricker, 2007, pgs. 156-8); Fricker's suggestion that minimal **HI** was already included in the original account, suggests these are the same phenomenon.

seems needed, however, as evidenced by recent discussion of whether scenarios involving certain types of abuse exhibit **HI**. One concern is that **HI** involving individuals 'unable to render a harmful experience intelligible' is ambiguous. It might be understood as suggesting **HI** is present even if an individual does not attempt to render harmful experiences intelligible as long as they would have difficulty were they to try. It might alternatively be understood as suggesting **HI** is present only when there are attempts to render a harmful experience intelligible. Clearing this up is important since, as one example, Jose Medina has claimed marginalized individuals who are persistently and extensively excluded from participating in meaning-making and meaning-sharing, may experience a species of **HI** he calls *hermeneutical death*, the loss of the capacity to participate in these practices (Medina, 2017a; 2017b). But if **HI** as Fricker understands requires an individual actually struggle to make sense of such experiences, then it seems hermeneutical death does not count as **HI**. From another direction, even assuming the relevant gap is understood as the intersection of collective hermeneutical resources, it is unclear whether Fricker's characterization of **HI** requires a literal absence of resources or allows that gaps might arise due to a surplus of resources, some being obscured by others. Katherine Jenkins, for example, recently applied (Jenkins, 2017, pg. 191-2) Fricker's account of **HI** to cases of domestic abuse and sexual violence, arguing that when persistent social misunderstandings of, say, domestic abuse conflict with relevant legal definitions – as often occurs during domestic abuse trials - victims may struggle to render experienced harms intelligible. Jenkins concludes such cases exhibit **HI**. However, if **HI** requires a literal absence of hermeneutical resources – rather than allowing the gap may exist due to a surplus of resources obscuring those needed to understand the harmful experience – then the phenomenon Jenkins identifies does not, in

fact, count as **HI**.[218] From yet another direction, Fricker claims the relevant gap in collective

hermeneutical resources must stem from hermeneutical disadvantage to count as **HI**, but this runs

the risk of overlooking that individuals often have hermeneutical disadvantages and advantages, as

well as the importance of how such asymmetries arise and are sustained.[219]

So, though our main goal in this article is explication of the remedy of **HI**, it is worth

clarifying hallmarks of the injustice, so we have the target phenomenon in full view. Given the

remaining ambiguity in Fricker's presentations of **HI**, it is not enough to simply quote Fricker. We

must instead excavate some of these hallmarks ourselves.[220]

Manifestation Condition and Hermeneutical Marginalization

Consider a paradigmatic case of **HI**:

> **CASE 1**: Sue was abused from childhood to adolescence and developed coping skills
>
> which disinclined Sue from reflecting on harmful experiences, e.g. habits of ignoring

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[218]See (Mason, 2020) who observes this commitment of Fricker's, but argues **HI** should be

understood more broadly.

[219](Simion, 2018, pg. 315-6) claims – contra Fricker – what is essential to **HI** is that it is brought

about unjustly, rather than via unjust marginalization as advantaged groups may be treated unjustly.

Given the supplement to Fricker's account outlined below, namely, of weighing hermeneutical

advantages to disadvantages in the analysis of hermeneutical marginalization, Fricker can make

sense of Simion's example without needing to expand constraints on **HI**. See (Mason, 2020) for

additional discussion.

[220]Many thanks to an anonymous reviewer at *Episteme* whose comments suggested I emphasize this

point.

psychological/physical pain, tendency to dissociate,[221] fusion with thoughts, etc. As an adult, Sue realizes her psychological development and dispositions differ significantly from acquaintances. Sue eventually acquires cognitive dispositions that incline her to reflect on and attempt to render intelligible past experiences of trauma and how they influence her present identity and interpersonal relationships. However, in Sue's community there are no collective resources adequate for understanding what we would characterize as child abuse and this absence owes to structural prejudice concerning women and children. Consequently, Sue struggles and fails to render her harmful experiences intelligible to herself and others.

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[221](van Loon & Kralik, 2005) and (Ward, 1988) illustrate childhood coping strategies manifesting in adulthood, e.g. repression, emotional insulation, dissociation. These "avoidant strategies" (Futa, Nash, Hansen, & Garbin, 2003) help create a sense of control through avoiding emotions.

Reflection on **CASE 1** reveals hallmarks of **HI**.[222] In various places, Fricker maintains **HI** arises *only* when *an agent struggles to make sense of an experience*.[223, 224] The when and where of **HI** is tethered to those affected who try and fail to render their experiences intelligible. This implies if an agent is not attempting to render their harmful experience intelligible, there is no **HI**. Fricker thus accepts what I will call the *Manifestation Condition* (**MC**):

> **MC** Case C[225] involving agent S exhibits **HI** only if S attempts to render a relevant harmful experience intelligible in C

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[222]It is worth noting Fricker's characterization of epistemic injustice has gained traction among psychology researchers keen on developing intervention strategies for individuals exhibiting symptoms similar to those described here (Sullivan, 2019; Kyratsous & Sanati, 2016; Kverme, et. al., 2019).

[223]"…hermeneutical injustice *comes only when* the background condition *is realized* in a more or less doomed attempt…to render an experience intelligible..." (Fricker, 2007, pg. 159); "The hermeneutical inequality that exists, dormant, in a situation of hermeneutical marginalization erupts in injustice *only when some actual attempt* at intelligibility is handicapped..." (Fricker, pg. 159). Italics added.

[224](Goetze, 2018)'s revised definition of hermeneutical injustice reflects **MC** as well: "…primary harm of hermeneutical injustice is that the subject has some…social experience that at some crucial moment lacks intelligibility." As does (Hanel, 2017, pg. 2010) "As long as the subject of hermeneutical disadvantage undertakes no attempt to understand her experience…there is no hermeneutical injustice…"

[225]Embedded in "case" as used in what follows is a temporal index, e.g. "at time t".

MC might initially appear problematic. Suppose Sue is busy at work, momentarily distracted, or sleeping, and so not attempting to make sense of her harmful experiences. If **MC** is true, Sue is not subjected at those times to an injustice that undermines her abilities to render her experiences intelligible. That seems false.

But this is too quick.[226] Fricker distinguishes **HI** from *Hermeneutical Marginalization* **HM**: a state of affairs exhibiting non-accidental inequality between individuals or groups that provides the background condition against which instances of **HI** manifest.[227] An analogy makes the point clear: Salt is disposed to initiate a dissolving process, if placed in background conditions, but salt being so disposed does not entail it ever will; dispositions and associated processes are only correlated (Williams, 2019; Smith, 2016; Lowe, 2006). Analogously, Fricker seems to hold: agents are to salt as **HM** is to water and as manifesting **HI** is to dissolving. This analogy makes sense of **CASE 1**, which

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[226]But not uncharitable: "A hermeneutical injustice is done when a collective hermeneutical gap impinges so as to…disadvantage some group(s)…which…is effectively discriminatory." (Fricker, 2007, pg. 162) "…the conceptual lacuna which handicaps her as an interpreter of her experience *entails* a hermeneutical injustice. (Fricker, 2012)

[227]"…the conditions of hermeneutical injustice (namely, hermeneutical marginalization)…" (Fricker, 2006, pg. 174); "…hermeneutical marginalization…leaves practitioners susceptible to hermeneutical injustice whenever they should attempt to render the experience intelligible…" (Fricker, 2016, pg. 166); "…hermeneutical injustice and its precondition, hermeneutical marginalization." (Jenkins & Fricker, 2017, pg. 268) "…the primary harm of hermeneutical injustice consists in situated hermeneutical inequality…" (Fricker, 2007, pg. 162). See too (Goetze, 2018, pg. 81).

exhibits **HM**, dispositions to manifest **HI**, and manifestation of **HI**. Hence, this counts as an instance of **HI**. And it also makes sense of why nearby scenarios which exhibit **HM** but not **MC**, do not count as instances of **HI**. Individuals in such cases are more like iron than salt, in a cup of water. And neither **HI** nor dissolving necessarily manifests in such respective setups. If the preceding analogy correctly describes the relationship between **HI** and **HM**, then it seems Fricker is committed to:

> **HI-HM** If case C exhibits **HI**, then C exhibits **HM**

Which links manifestations to background conditions and makes all the difference when responding to the above objection. While Sue is not struggling to render her harmful experiences intelligible to herself or others, she nevertheless operates against this background condition which would undermine her attempts at doing so, and in that way is marginalized.[228] Our objector may be unmoved and insist Sue in **CASE 1** exhibits **HI** even when, say, sleeping.[229] But it is not clear what is

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[228]It is in this respect that marginalized individuals operate under "holes in the ozone layer." (Fricker, 2006, pg. 161).

[229]More charitably, one might reject **MC** for a weaker necessary condition on **HI**, namely, that agents need only be disposed to render harmful experiences intelligible. Call this the *Disposition Condition* (**DC**). Understanding **HI** in this manner suggests Sue exhibits **HI** when busy, sleeping, etc., if she has the relevant cognitive dispositions. Besides there being textual support for Fricker accepting **MC** rather than the weaker **DC**, there seem theoretical benefits. With **DC** accepted, **HI** appears little different from **HM**, suggesting hermeneutical justice is proposed to address something nearby to **HM**. But seeking to address **HM** by simply cultivating virtues of listening seems – to put it bluntly – ineffective at best and problematically insensitive at worst.

gained in claiming **HI** in this case over mere **HM**. Moreover, rejecting **MC** suggests there is little to distinguish **HI** and **HM** making it unclear what role this distinction plays in Fricker's theory. Altogether then: Reflection on **CASE 1** suggests two hallmarks of **HI**, namely, that relevant individuals must at least attempt to render harmful experiences intelligible and this must operate against a background of hermeneutical marginalization.[230]

Coercion, Hermeneutical Disadvantage, and Advantage

Consider next:

> **CASE 2**: Sally became pregnant at 15, dropped out of school, married at 16, had more children with her husband Mike, and was a "house wife" who relied on Mike for support. Mike was psychologically and physically abusive. Sally developed coping skills which disinclined Sally from reflecting on these harmful experiences, e.g. habits of ignoring psychological/physical pain, tendency to dissociate, fusion with thoughts,

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[230]With these remarks we have identified hallmarks of **HI** sufficient to address (Medina, 2017a, pg. 41-2)'s remarks concerning hermeneutical death. Such scenarios do not exhibit **MC** and so do not exhibit **HI** as Fricker understands, though they perhaps exhibit some other form of epistemic injustice. These results shift the dialectical burden to Medina to provide reasons for thinking such scenarios should count as **HI**. Note, moreover, replacing **MC** with the weaker **DC** discussed in the preceding footnote provides no help here. Presumably, those exhibiting hermeneutical death lack relevant dispositions needed to participate in meaning-making and sharing practices. **MC** and **DC** both exclude hermeneutical death from counting as **HI**, as they both exclude **CASE 1**, though for different reasons.

> etc. Over time, Sally's developed coping mechanisms prevented her from attempting
>
> to make sense of her experiences.[231]

Let us further suppose there is no gap in the collective hermeneutical resources, but that Sally is

unable to access those resources owing to coping mechanisms. Importantly, Sally is not struggling to

render her experience intelligible, so **CASE 2** is not an instance of **HI**. However, it is plausible

CASE 2 exhibits **HM**. Moreover, there is a positive reason for treating **CASE 2** as at least exhibiting

HM. Since Sally self-imposed coping mechanisms, rejecting **CASE 2** as exhibiting **HM** seems close

to victim blaming,[232] i.e. claiming Sally is not hermeneutically marginalized, but perhaps

inappropriately self-imposes coping mechanisms making her epistemically culpable. Of course,

rejecting **CASE 2** as **HM** does not *entail* characterization of Sally in a way that supports victim-

blaming. Still, it seems plausible if there is an alternative characterization of **CASE 2** that does not so

easily lend itself to such a reading, then we should prefer that alternative. I will thus assume our task

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[231]**CASE 2** perhaps involves *testimonial smothering* (Dotson, 2012). For example, Sally might over time

recognize that reflecting on the abuse she experiences inclines her to resist, which leads to further

abuse. Sally may instead focus on minimizing the abuse, i.e. 'walking on eggshells', catering to Mike,

etc. **CASE 2** exhibits more than testimonial smothering, however, since Sally – after developing the

relevant coping mechanisms - eventually does not reflexively silence based on assessment of her

audience. We might refer to this phenomenon as *hermeneutical smothering*, identifying testimonial

smothering carried to the point of unreflective habit as one route to this injustice.

[232](Jenkins, 2016, pg. 10) makes a similar point involving rape/abuse myths as confounding

hermeneutical resources.

in what follows is to discover how to classify **CASE 2** as exhibiting **HM** while remaining consistent with Fricker's commitments.

Yet, there may be reasons to think **CASE 2** does not exhibit **HM**. Fricker claims one cannot simply "opt in" (Fricker, 2006, pg. 153) to **HM**, e.g. become a hermit. Sally self-imposing coping mechanisms seems rather close to opting in. But Sally is not *simply* opting into **HM**. Sally is *coerced* into developing coping mechanisms. The importance of coercion to **HM** is supported by observing Fricker claims in cases of **HI** – and so **HM** - the absence of resources needed for mutual understanding of harmful experiences is not accidental,[233] suggesting coercion is involved in **HI**. And since **HI** is a structural phenomenon (Fricker, 2007; Fricker, 2016), lacking obvious perpetrators in paradigm cases, it is plausible to locate this "local marshalling of forces against attempts to render intelligible harmful experiences" in the background conditions against which **HI** manifests, i.e. **HM**. If correct, we should expect to find coercion associated with **HM** too.

We can appeal to Fricker's recent discussion of the potential overlap between **HI** and *White Ignorance* (Fricker, 2016, pg. 174-5) for guidance here. The relevant case Fricker examines for our purposes is (Fricker, 2016, pg. 174-5):

> **IGNORE**: Non-culpably ignorant white people in an environment where hermeneutical resources have been suppressed and knowledge cannot be accessed as population lacks needed concepts for acquiring this knowledge.

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[233]"…the whole engine of collective social meaning was effectively geared to keeping these obscured experiences out of sight." (Fricker, 2007, pg. 153). In other words, **HI** is not a matter of bad luck or accident.

Fricker claims **IGNORE** exhibits both white ignorance and **HI**. But note, if coercion alone were sufficient for **HM**, then it is plausible members of the relevant *white population* might also be subjected to **HM** too, since it is not difficult to imagine, say, the suppression of relevant concepts and knowledge needed to understand the experiences of marginalized individuals is coerced, e.g. through education, parents, propaganda, etc. Even under such conditions, however, it seems incorrect to say the ignorant members of the *white population* are subject to **HM**. This suggests a way to understand the role of coercion in Fricker's account of **HI**. While ignorant white individuals in the relevant cases do not exhibit **HM**, they exhibit *Hermeneutical Disadvantage* (**HD**), i.e. a deficit in subjects' abilities to contribute to collective epistemic resources (Fricker, 2016, pgs. 173-5):[234]

> **HM-HD** If case C exhibits **HM**, then C exhibits **HD**

In addition to **HD**, ignorant whites in these cases also exhibit significant *Hermeneutical Advantage* **HA**, i.e. a surplus in subjects' abilities to contribute to collective epistemic resources. **HA** alone is insufficient to show a case does not exhibit **HM**[235] since groups often exhibit both **HA** and **HD**. What seems crucial to determining whether **HM** is exhibited is the *ratio* of quantity/quality of **HA**

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[234]See (Fricker, 2007, pgs. 151-2). Here we find room for (Simion, 2018)'s observation that privileged individuals may be treated unjustly and, moreover, hermeneutically disadvantaged, without expanding Fricker's characterization of **HI**.

[235]Fricker approvingly cites (Medina, 2012, pg. 108) who argues convincingly that members of dominant groups are in some ways epistemically disadvantaged, even though they are clearly advantaged. Similarly, members of marginalized groups may have epistemic advantages, though they are clearly disadvantaged too. This strongly suggests **HA** does not undermine **HM** since otherwise marginalized groups would not exhibit the latter if they exhibit the former.

to **HD**. We need not attempt to make this precise.[236] Let **P** denote a quantitative and qualitative

combination of **HA**; let **Q** denote a quantitative and qualitative combination of **HD**; let **T** denote

some fixed positive real number. It suffices to say a case counts as **HM** with respect **HA** and **HD** if

$T < P/Q$, and a case does not count as **HM** if $T > P/Q$. In other words, in a given context, a case

counts as **HM** if the hermeneutical advantages weighed against disadvantages results in a number

below a certain threshold which – perhaps – allows for indeterminate or borderline cases. So,

ignorant white individuals in **IGNORE** do not exhibit **HM**, since the ratio of advantages to

disadvantages is plausibly greater than any reasonable specification of **T** and non-white individuals in

IGNORE are plausibly more disadvantaged than they are advantaged, so there is **HM**. Altogether:

To exhibit **HM**, local marshalling of forces must play to the coerced disadvantage of a group. These

observations provide an explanation for why **CASE 2** exhibits **HM**: Sally is coerced resulting in a

proportion of **HA** to **HD** below some reasonable specification of **T**.

Fricker's discussion of *White Ignorance* reveals one more hallmark of **HI**, illustrated by

reflection on the following (Fricker, 2016, pg. 173):

> **DISBELIEF**: Non-culpably ignorant white people in an environment where
>
> hermeneutical resources needed to make sense of harmful experiences exist in the
>
> collective hermeneutical resource, but have been suppressed, forgotten, or never
>
> learned.

Fricker claims members of the relevant marginalized population attempting to render their harmful

experiences intelligible to ignorant members of the white population in **DISBELIEF** are not

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[236]I agree with Aristotle that one should only seek precision to the extent one's domain permits.

 Here we find a limit.

subjected to **HI** since the inability of the white individuals to make sense of these harmful experiences stems from *epistemically culpable behaviors*,[237] e.g. failing to infer from existing concepts needed conceptual resources to understand. Contrast this result with **IGNORE** - which exhibits **HI** – where marginalized individuals fail to render their experiences intelligible to white individuals due to a literal gap in the collective conceptual resources. This is to say, whether **HI** is present trades on whether communication or understanding breaks down due to needed concepts for comprehension being *obscured* or being *absent*. If the former, there is not **HI**; if the latter, there may be **HI**.[238]

Hallmarks of HI

Combining these observations provide necessary and sufficient conditions for **HI**:

> **SF-HI** Case C involving agents S and S' exhibits **HI** just in case:
>
> > (1) C exhibits **HM**[239]
> >
> > (2) S struggles to render a harmful experience intelligible to S'
> >
> > (3) S' fails to understand S due to S' lacking conceptual resources

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[237](Fricker, 2016, pg. 173-5). This is, as Fricker puts it, a failure at the level of belief rather than conceptual resources.

[238]This hallmark weighs against (Jenkins, 2018)'s counting as **HI** cases where surplus hermeneutical resources concerning domestic abuse and sexual violence lead to victims experiencing difficulties in rendering these experiences intelligible to themselves or others. This is not to say these cases do not exhibit some other form of epistemic injustice, it is simply to suggest it is not **HI**.

[239]Because $T > P/Q$ and coercion is involved.

(4) Gap in (3) is not due to epistemically culpable[240] behaviors by either S or S'

Where S and S' may be the same individual, e.g. Carmita Wood; Sue in **CASE 1**. Having identified

necessary and sufficient conditions for **HI**, we turn next to explicating Fricker's proposed remedy to

this injustice, which has received far less attention than the injustice.

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[240]For example, not gathering easily accessible evidence, knowingly ignoring easily accessible

concepts, etc.

Explicating Hermeneutical Justice

Fricker proposed *Hermeneutical Justice* **HJ** - a cultivated virtue consisting of sensitivity to the hermeneutical difficulties marginalized speakers confront when attempting to render experiences intelligible to others – as a remedy to **HI**.[241] Beyond characterizing **HJ** as a cultivated virtue, little has been added to this initial presentation. In this section, I approach **HJ** through the lens of moral and epistemic harms, independently motivate moral and epistemic principles underwriting responsibilities that may be magnified based on context and argue attention to contextual elements influencing attribution of moral and epistemic responsibility provides an explanation for the significant responsibilities privileged individuals may have in conversations with marginalized individuals struggling to communicate harmful experiences.

Moral Aspect of HJ: First Pass

Fricker divides (Fricker, 2007, pg. 163-5) the harms of **HI** into primary (always present with the phenomenon) and secondary (often present with the phenomenon). The primary harm of **HI** is that agents are unable to render harmful experiences intelligible; secondary harms include practical consequences of the primary harm, e.g. doubting oneself, denial of unemployment claims, etc. Secondary harms may in term compound primary harms. **HJ** is meant to remedy both primary and secondary harms. Indeed, understanding the harms of **HI** in this manner leads naturally to observing a way to address the primary harm, namely, creating space in which marginalized

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[241](Fricker, 2007, pg. 169). Virtuous listeners recognize relevant speakers are "struggling with an objective difficulty and not a subjective failing." (Goetze, 2018, pg. 88) emphasized **HJ** as a requirement for marginalized individuals attempting to render experiences intelligible to themselves, not just to others.

individuals may safely engage in the difficult task of understanding and communicating relevant harmful experiences. And if **HJ** adequately addresses the primary harm of **HI** then it is plausible to think the secondary harms will be addressed too. This is, broadly speaking, Fricker's characterization of **HJ**. At the same time, however, understanding harms associated with **HI** in terms of this dichotomy leads less naturally to reflection on what responsibilities individuals have to address primary and secondary harms, beyond merely cultivating good listening habits and - perhaps more importantly – leads less naturally to reflection on how responsible parties might address these harms. It is, moreover, no surprise Fricker does not examine in detail responsibilities of individuals while discussing **HJ**, since **HI** is a structural injustice often lacking individual perpetrators.

An alternative characterization[242] of **HI** harms – as *moral* or *epistemic* – is both broader than the primary/secondary distinction Fricker indexes to **HI** and provides an obvious link to responsibility. In broad outline, moral harms are harms to an individual insofar as they are an autonomous moral agent, epistemic harms are harms to an individual insofar as they are a source or creator of knowledge, and the presence of either harm suggests the presence of some corresponding moral or epistemic responsibility. The utility of framing harms in this manner is best illustrated by examining how they both align with Fricker's understanding of **HJ** while explaining what responsible parties can do to address **HI** more specifically than simply cultivating listening habits. So, we will do just that.

Specifically, in what follows we frame **HI** as both moral and epistemic harms, and consequently, understand **HJ** as involving corresponding moral and epistemic responsibilities. Unfortunately, this framing alone does not get us far in understanding Fricker's **HJ**, since Fricker

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[242](Fricker, 2016) observes the moral and epistemic aspects of **HI** in various places.

provides little specification of this putative remedy. Fortunately, we can make progress on the moral aspect by relying on recent literature (Beverley, 2016) supporting context-dependent principles underwriting widely accepted (Beverley & Beebe, 2017) judgments of moral responsibility. Independent of Fricker's discussion of **HJ** it seems the following is true:

> **NON-MALFEASANCE** For agents S, S', context C, and action A: If A harms S' in
>
> C then S has a *prima facie* moral responsibility in C not to
>
> perform A

This hardly needs defending. We seem to have a default moral responsibility not to harm others, and whether we have such a responsibility appears to vary by context. If James learns that whenever he taps his feet in class it causes Sally tremendous pain, then James in this context plausibly has a moral responsibility to refrain from that behavior. In such a context, **NON-MALFEASANCE** applies to James. On the other hand, if James taps his feet to alleviate his own tremendous discomfort at having to sit in seminar, and this merely causes Sally slight discomfort, it seems plausible James does not have a moral responsibility to refrain. In this context, the responsibility adverted in **NON-MALFEASANCE** does not apply to James. These observations suggest certain features of context are relevant to whether an agent has a moral responsibility in that context, namely, perceived degree of harm done by an action and cost to an agent for refraining from that action.

Judgments of moral responsibility vary with respect to other contextual features, often intimately tied to the preceding. For example, it seems mistaken to attribute moral responsibility to refrain from a given action to agents who are genuinely unable to refrain from that action. This suggests judgments that an individual is morally responsible for refraining from some action track

whether the agent is perceived as able to refrain or not.[243] Similarly, it seems mistaken to attribute moral responsibility to agents who are able to refrain from actions that cause harm to others, but who are genuinely unaware that they are able to refrain from those actions. Related, agents who know they can refrain from such actions but who do not realize those actions are harmful to others also seem outside the scope of moral responsibility as codified in **NON-MALFEASANCE**. What these brief outlines of philosophical and empirical results defended elsewhere suggest is that judgments of moral responsibility are sensitive not only to perceived harm to individuals and cost to the potential bearer of responsibility, but also to the knowledge of the bearer's ability and bearer's knowing a given action is harmful.

Though **NON-MALFEASANCE** is motivated independently of Fricker's discussion of **HJ**, it is an easy fit. Presumably, each of us has a moral responsibility to refrain from, say, contributing to difficulties marginalized individuals have when attempting to communicate harmful experiences, since such contribution is often harmful. **NON-MALFEASANCE**, moreover, fits with Fricker's characterization of **HI** as structural, and so generating limited responsibility with respect to individuals. **NON-MALFEASANCE** does not exactly capture Fricker's characterization of **HJ**, however. Fricker (Fricker, 2012, pg. 259-60; Fricker, 2016) suggests **HJ** may also involve active dissemination of information concerning the causes of marginalization, e.g. implicit bias, and Fricker has adopted a "whatever works" approach to addressing structural marginalization (Fricker,

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[243]Whether this intuition is general is an open question, though the present balance of evidence suggests most intuitively believe if an individual is responsible for some action then they can perform that action. See (Kurthy, Lawford-Smith, & Sousa, 2017) for recent empirical discussion.

2010, pg. 166). **NON-MALFEASANCE** does not provide sufficient responsibility to underwrite active involvement in addressing the injustice.

Moral Aspect of HJ: Second Pass

Reflecting further on the preceding observations reveals the lines along which to motivate stronger moral principles. Each of the preceding contextual features may *magnify* moral responsibility across contexts, as again strongly suggested by recent philosophical (Beverley, 2016) and empirical research (Beverley & Beebe, 2017) exploring patterns of judgments of moral responsibility. Consider, if James can save Sally's life by donating blood plasma, which has little cost to James, then it seems James has a moral responsibility to accept this minimal cost to himself to prevent a substantial harm to Sally.[244] James thus appears to bear a responsibility to accept a minimal cost to himself to prevent great harm - independent of his involvement in generation of that harm - and this moral responsibility is more than simply refraining from engaging in a harmful action, i.e. more substantial than **NON-MALFEASANCE**. On the other hand, if the only way James can save Sally's life is by sacrificing his own, then it does not seem James has a moral responsibility to do so, again suggesting judgments of moral responsibility are sensitive to tradeoffs of harms to individuals in relevant contexts. Adjusting harm from Sally's perspective follows a similarly predictable pattern. If Sally is simply congested, then it seems incorrect to say James has a moral responsibility to sacrifice his life or limbs to clear up Sally's mild illness. Indeed, it is questionable whether James has a moral responsibility to even, say, donate blood plasma for the same end despite it being a minimal cost. These observations

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[244]This, moreover, seems to be the case independently of whether James is the cause of Sally's life-threatening condition. To be sure, if James *is* the cause of Sally's life-threatening condition, then he seems to have more of a responsibility to donate blood plasma.

strongly suggest various judgments of moral responsibility are underwritten by a principle stronger than **NON-MALFEASANCE**, codifying responsibility not simply to refrain from harmful actions, but to in fact provide aid to others in need.

The following – which we might think of as a magnification of **NON-MALFEASANCE** – then appear to obtain in certain contexts:

BENEFICENCE For agents S, S', context C, and action A: If A aids S' in C then S has a

prima facie moral responsibility in C to perform A

What counts as providing aid to another here is broad; it may include substantial investment of time and energy in the cultivation of virtuous listening skills, but it also might consist in simply directing those in need to experts better able to offer assistance. As before, judgments of moral responsibility to provide aid in various contexts appear sensitive to one's ability to provide that aid, one having knowledge of one's ability to provide aid, and knowledge of the effects of that aid. If James's blood will clearly not affect Sally's health, then it seems he has no moral responsibility to provide it for her. Similarly, if James's blood will in fact save Sally's life, but neither he nor anyone else knows that, then it seems again he has no moral responsibility to provide blood plasma to that end. Same for - rather artificial - contexts in which James's blood could save Sally's life and he knows this, but he is unaware Sally (or anyone else) needs or will need his blood plasma for that purpose.

Returning to **HJ**, note **BENEFICENCE** involves moral responsibility substantial enough, it seems, to underwrite taking action to disseminate information concerning recently observed harms associated with implicit bias (Fricker, 2016). In that respect, this principle fits better with Fricker's characterization of **HJ**. This fit becomes clearer when examining the sorts of conversational contexts Fricker targets in her discussion of **HJ**. **BENEFICENCE** appears to apply, say, to privileged listeners in circumstances in which marginalized speakers are attempting to render

intelligible harmful experiences. Privileged listeners carry with them authority to validate or invalidate – broadly speaking – communicative attempts by marginalized speakers, as evidenced by Fricker's detailed exposition of *testimonial injustice* (Fricker, 2007), Doston's articulation of *testimonial smothering*, etc. (Dotson, 2011). Put another way, privileged conversational partners have the ability to help or harm marginalized speakers in relevant conversations. Moreover, moral harms associated with **HI** may be severe, undermining knowledge of oneself, affecting lives of loved ones, undermining autonomy, etc., and it appears in many contexts privileged listeners experience little cost in helping marginalized individuals understand harmful experiences. It is thus reasonable that privileged individuals listening to the difficulties marginalized speakers have in rendering harmful experiences intelligible are under at least a moral responsibility as strong as **BENEFICENCE**. This seems good motivation for understanding the moral aspect of **HJ** in part along the lines of this stronger moral principle.

There are, as one should expect, caveats. Consider, privileged listeners who are legitimately unaware of the abilities they have in conversation with marginalized speakers may not bear moral responsibility to provide aid along the lines of **BENEFICENCE**. This may appear a cost to the principle since that suggests **BENEFICENCE** does not apply in contexts where privileged individuals are ignorant. Given the prevalence of, say, white ignorance this might make **BENEFICENCE** and the codified responsibility appear inapplicable in most contexts. To be sure, I think it is plausible **BENEFICENCE** does not apply to privileged individuals who are genuinely ignorant of their privilege and who are presented with marginalized speakers attempting to render intelligible harmful experiences. But most real-world contexts involve privileged individuals who have significant evidence that they are privileged, even in cases of white ignorance. True, privileged individuals are often motivated to disregard, ignore, or explain away such evidence, but they are

nevertheless exposed to ample evidence of race, sex, disability, and age discrimination, among other forms. In that respect, they have reasons to *suspect* they bear privilege, insofar as they do not fall into such classes of individuals. Hence, they have reasons to suspect they bear such authority in conversation with marginalized individuals attempting to render harmful experiences intelligible.[245] Privileged individuals with such ample evidence are within purview of **BENEFICENCE**, and this condition seems met in most contexts involving privileged individuals.

One might grant the preceding but remain concerned that privileged listeners in relevant contexts may be outside the scope of **BENEFICENCE** even if they recognize they are able to help marginalized speakers avoid serious harm at little cost to themselves. If privileged individuals *do not know how* to provide aid to marginalized speakers exhibiting **HI**, it seems incorrect to say they nevertheless have a responsibility to provide aid. Indeed, privileged listeners may worry – rightly – that they might do more harm than good, and since **NON-MALFEASANCE** plausibly applies to

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[245]My own experience here feels relevant. I am white, grew up in Georgia, was quite poor, and lived in a trailer park with my extended family, most of whom were conservative, exhibited racist tendencies, and inclined to either distort or ignore evidence that they might be wrong about their beliefs. Even so, living near equally poor families comprised of marginalized individuals made it clear to even the worst offenders of my family that we had privilege. This was evident by, say, the differences between how, educators, police, etc. treated us. I have since lived – and still do - in more affluent environments, surrounded by privileged, educated, middle and upper class individuals. They also appear aware of privilege. This is not to say my experience exhausts all possibilities of ignorance. It is simply to say scenarios in which privileged individuals are *entirely* ignorant of their privilege seem - in my experience - rare.

them in such contexts, they bear a responsibility to refrain from action that is harmful to the speaker. To be sure, privileged individuals in such contexts might stumble upon a way to provide just the right help to marginalized speakers in contexts exhibiting **HI**. But toy soldiers are toys, not soldiers, and accidental virtues, mere accidents. The risk of potential harm in such contexts seems too great to leave to chance. This suggests **BENEFICENCE** does not apply to privileged agents in such contexts. Rather, privileged individuals bear responsibility underwritten by **BENEFICENCE** when *they have evidence of the efficacy of aid they attempt to provide*. Unfortunately, this requirement sharply delimits the number of contexts in which privileged individuals bear responsibility to aid marginalized speakers exhibiting **HI**, since it is plausible given the nature of **HI**, many privileged individuals presented with a marginalized individual struggling to make sense of harmful experiences will – rightly - lack confidence in the efficacy of help they might provide.

In sum: Our independently motivated contextual principles **NON-MALFEASANCE** and **BENEFICENCE** appear to line up with Fricker's characterization of the moral aspect of **HJ**, yet the latter seems to exclude from responsibility agents who do not know how to provide aid effectively to those in need. Rather, given the potential harm one might expect arising from trying and failing to provide aid in such a scenario, and the force of **NON-MALFEASANCE** in such contexts, it seems agents should not, in fact, attempt to provide aid. What is needed to address this issue, it seems, is agents bearing a responsibility to *learn to provide aid* in future contexts. This, moreover, seems needed to capture Fricker's choosing to describe **HJ** as a *cultivated* virtue (Fricker, 2007). Virtues take time to develop, and cultivating virtue often involves intentional, deliberative, learning.

Moral Aspect of HJ: Third Pass

We make some progress by again reflecting on the above contextual features which influence judgments of moral responsibility. Privileged individuals who recognize they lack skills needed to provide aid to marginalized speakers in such contexts, gain evidence of an educational gap. This evidence, coupled with awareness of authority one has to (in)validate marginalized speakers in conversational contexts, and awareness of the significant harms associated with **HI**, creates a somewhat *rare context for the privileged individual*, and it has been shown judgments of moral responsibility are sensitive to rarity of provider's ability to offer aid (Beverley, 2016; Beverly & Beebe, 2017).

Consider, Rhesus disease kills millions of infants around the world, and there is – at present – not a cure that can be synthesized in a lab without the blood plasma of John Harrison. Harrison's donations have saved the lives of approximately 2.4 million infants worldwide. It seems plausible he has a responsibility to donate. But it also seems Harrison is uniquely[246] positioned to help, and this carries great responsibility to do so. To see this, consider if each of us knew we were able to provide blood plasma that could be used to synthesize a vaccine for Rhesus disease, but none of us donated, then we would have all done something morally wrong, but none of us would have obviously done anything worse than anyone else in this context (Beverley, 2016). In contrast, in our context where John Harrison is uniquely able to provide this aid and is aware of that fact, John refraining from donating blood plasma seems morally worse than it would be in the context where everyone – himself included – could donate but decided not to. Perceived rarity to provide aid thus seems to

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[246]This implies *luck* influences responsibility, which is contentious (McMahon, 2002), though see (Beverley, 2016).

influence judgments of moral responsibility, and as with other features of contexts discussed, this influence has been supported empirically.

Since it seems rarity magnifies moral responsibility generally speaking and privileged individuals in contexts exhibiting **HI** who realize they are ill-equipped to provide aid find themselves in a rare position to help, there seems motivation for moral responsibility beyond that found in **BENEFICENCE**, namely, to learn to provide aid. We might characterize this as:

> **MORAL EDUCATION** For agents S, S', S", and contexts C, C': If S' needs aid in C and S does not know how to provide that aid in C, then S has a *prima facie* moral responsibility to learn how to provide such aid to relevantly similar agent S" in similar context C'

With **MORAL EDUCATION**, we have an explanation based on contextual features for agents having a moral responsibility to learn to provide aid to others in various contexts. In particular, we have an explanation for privileged individuals in contexts exhibiting **HI** having a moral responsibility to cultivate virtuous listening skills, among others. This much aligns with Fricker's brief characterization of **HJ**. Still, we might nevertheless worry that moral responsibility codified in **MORAL EDUCATION** is too easily undermined. Even if we fix contextual features so that privileged individuals in contexts exhibiting **HI** are aware of their own privilege and associated abilities to help, are confident in those abilities, and recognize how helpful they can be, there is still the question of cost to the provider. This is worrisome not because learning to provide efficacious aid to marginalized speakers in such contexts would itself be a great cost to privileged individuals, but because it seems it may in many cases be just costly enough to undermine responsibility given the fact that each of us have various projects, life goals, etc. that should be considered when

evaluating overall cost. A privileged individual devoting most of her life to finding a cure for cancer, while raising a family, volunteering at various causes, practicing yoga for mental health, etc., might find little time to effectively learn to and develop confidence in providing aid to marginalized individuals in contexts exhibiting **HI**. Learning to provide aid to marginalized speakers in such contexts may not be a negligible investment when weighed against other investments one has; as a result, the tradeoff between costs to oneself and benefits of providing aid to others might result in the responsibility adverted as applying to privileged individuals in **MORAL EDUCATION** being overridden in such contexts.

How forceful this worry ultimately is depends largely on judgments of how costly education and practice is to a potential privileged provider. This in turn depends on how much time and effort learning strategies for providing aid in such context takes. Depending on the context, it may be a simple as learning to listen attentively, asking questions to keep conversation flowing, recognizing and attending to silences, or directing marginalized individuals to experts better able to help. In other contexts, in contrast, it may be as complicated as developing skills often found among clinical psychologists. At this point, I can only offer my intuition that privileged individuals in the former contexts more often than not bear the responsibility adverted in **MORAL EDUCATION**, while those in the latter – unless they, in fact, are clinical psychologists – do not obviously bear such substantial responsibilities.[247] We revisit how moral and epistemic responsibilities may be magnified in institutional contexts in some detail below, but before then we turn to the epistemic aspect of **HJ** to provide a full picture of the putative remedy for **HI**.

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[247]Empirical work – which is currently in progress - is needed to examine how general the appealed to intuition is.

Epistemic Aspect of HJ: First Pass

Fricker's initial presentation of **HJ** provides a starting point for reflections on contextual features relevant to epistemic responsibility, though it seemed little more than a species of the sort of epistemic responsibility each of us already owes to one another:

> **SUSPEND** For agents S, S' in context C: If S' is having trouble articulating an
>
> experience, argument, counterexample, etc., to S, then S has a *prima facie*
>
> epistemic responsibility to refrain from inferring S' is confused,
>
> nonsensical, etc.

Insofar as one intends to engage in conversation with another, **SUSPEND** seems true. This is not, of course, to say we each have a responsibility to assume struggling interlocutors are never confused, nonsensical, etc. Indeed, in some cases it seems we should make such assumptions, e.g. students having trouble articulating questions about difficult philosophical material. Further, reflecting on differences between contexts in which this principle applies and when it does not reveals contextual features relevant to judgments of epistemic responsibility. To sharpen the analysis, focus on contexts where the speaker is attempting to, say, articulate an experience to themselves. As an example of a context in which the principle plausibly applies, consider a physicist encountering data suggesting a well-confirmed physical theory is false. This physicist would – rightly – be reluctant to immediately jettison the theory but may nevertheless have difficulty explaining the new data; it seems incorrect to count them as confused or nonsensical, suggesting the responsibility adverted in **SUSPEND** applies to the physicist in this context. On the other hand, as an example of a context in which the principle does not seem to apply, consider an individual raised in a racist environment who acquires evidence that conflicts with his racist ideology. This individual might also struggle to make sense of this new evidence given his existing beliefs; but here it seems correct to count this individual as confused or

nonsensical, suggesting the responsibility adverted in **SUSPEND** in this context is overridden. Roughly speaking, the epistemic difference between these cases seems to depend on a tradeoff between evidence one has for a set of beliefs that typically get the right results, and the amount and extent of counterevidence to those beliefs. A well-confirmed physical theory met with minimal counterevidence seems worth holding on to; racist beliefs learned from one's environment are more frequently met with counterevidence than such physical theories.

This tradeoff between contextual features influencing judgments of epistemic responsibility can be illustrated further by reflecting on a childhood anecdote shared by W.E.B. Du Bois (Du Bois, 1903, pg. 16) which suggested an early struggle to understand why white children treated him differently. In this brief story, Du Bois suggests having considered several explanations for this different treatment, e.g. he was not as smart as other children, he was not as athletic, etc., and having formed such hypotheses, he tested them, e.g. attaining academic excellence, becoming a star athlete, disconfirming each. Ultimately, Du Bois concluded he was treated differently due to the color of his skin, given so many other putative explanations failed. Important for our purpose, is how epistemically responsible it would seem – at least initially – for Du Bois to attempt to explain why white children treated him differently based on obvious, available metrics, e.g. athleticism, intelligence, which no doubt often provided adequate explanations for differential treatment he witnessed among and between white children. These metrics likely seemed adequate for many purposes and confirmed to that extent. Du Bois on this reading is not – at least initially – concluding from his struggles that he is confused or nonsensical. Of course, Du Bois eventually acquired sufficient evidence suggesting these metrics were inadequate, at which point it seems plausible to say that he – as a matter of fact – was confused and realized this was so. This confusion, however, owed to inculcation into widespread privileged norms that circumscribed and emphasized certain

explanations for experiences over others. In contexts with such mounting counterevidence to his

previous beliefs, Du Bois no longer had an epistemic responsibility to refrain from considering

himself confused, at least with respect to the beliefs and explanations he left behind. And this

realization of confusion gave way[248] to adequate understanding of his experiences employing an

explanation based on color divisions, an explanation notably neither obvious nor widely available in

his environment. Again, this suggests judgments of epistemic responsibility are sensitive to tradeoffs

between confirmations of one's, say, beliefs and counterevidence to those beliefs.[249]

Returning to **HJ**, initially presented the epistemic aspect of this phenomenon seems simply a

specific instance of **SUSPEND** involving privileged and marginalized interlocutors. While

interpreting **HJ** in this manner fits comfortably with Fricker's insistence that **HI** – a structural

injustice – does not have epistemically culpable perpetrators, understanding **HJ** in only this manner

simply amounts to a reminder that we should be better communicators with respect to marginalized

individuals. To be fair, given the prevalence of **HI**, there is value in emphasizing **HJ** even if it is little

more than **SUSPEND**. Still, one might expect a more robust remedy to **HI**. As when examining the

moral aspect, attention to contextual features which appear to influence judgments of epistemic

responsibility motivates more substantial epistemic responsibilities in contexts exhibiting **HI**.

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[248]See (McAdams, 2015) and other personality research who explore the importance of

understanding one's life as a coherent and cohesive narrative, often involving re-evaluation of life

events.

[249]As an aside, this story also suggests crucial points of recognition of confusion leading to deeper

understanding of one's experiences, might track whether **SUSPEND** applies across context. We do

not pursue that here.

Epistemic Aspect of HJ: Second Pass

Specifically, more substantial epistemic responsibilities than those found in **SUSPEND** apply to

privileged individuals in cases exhibiting **HI** because they *have much to gain* - epistemically speaking -

in precisely these contexts (Medina, 2017a; 2017b). As argued by Medina, among others,

marginalized individuals provide insight into epistemic blind-spots, meta-resistance, etc. learning of

which would be epistemically beneficial for non-marginalized individuals. It is plausible that in

contexts where privileged individuals may reap significant epistemic benefits, they have greater

epistemic responsibility than that adverted in **SUSPEND**. Medina (Medina, 2017b, pg. 48) has

suggested a preliminary list of critical reflective capacities and strategies virtuous listeners exhibiting

HJ might employ, e.g. recognize when to remain silent, suspend judgment about another's

intelligibility, listen for silences, let others set discussion dynamics, etc. which may result in such

epistemic benefits. And some of Medina's suggestions seem motivated independent of contexts

exhibiting **HI**. Suppose a graduate student meets with his dissertation committee chair to brainstorm

an idea for a dissertation chapter.[250] If the advisor – an expert in the relevant field – immediately

offers a rather complete suggestion and attempts to begin working through the details of the idea

with the student, this might – rightly – upset the student, who may feel they came to a meeting

intending to brainstorm and share their own ideas, but is now in a position where they feel

compelled to either engage with the advisor's detailed idea or explain why they do not want to

engage with the suggestion. Either way, it seems in such a context alternative ideas are obscured in

part due to, say, the completeness of the advisor's suggestion, the epistemic authority of the advisor

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[250]Many thanks to Hollen Reischer for assistance in thinking through the consequences of this

example.

as a source of knowledge, and the conversational setting. Such an outcome might have been avoided had the advisor let the student set the conversational agenda, noticed the student's silence or discomfort if there was either, etc.

The potential for obfuscation is magnified when marginalized speakers are addressing those with privilege. Suppose Du Bois had confided in a white advisor who proceeded to offer plausible, coherent, explanations for the behavior of the white children, such as those Du Bois himself actually considered. It is plausible such explanations might have carried more weight coming from outside, and in particular from a white adult advisor, and so may have caused Du Bois serious epistemic harm insofar as they obscured the more likely explanation from consideration. Du Bois would have found himself defending why these alternative explanations were inadequate, rather than seeking out an alternative to these suggested alternatives. Here we have epistemic authority combined with plausible, complete, rather widespread explanations for a harmful experience, which obscure exploration of alternative explanations.

We might codify Medina's independently motivated suggestions in the following principle, capturing a more robust epistemic responsibility than that found in **SUSPEND**:

> **CHARITY** For agents S, S' in context C: If S' is having trouble articulating an
>
> experience, argument, counterexample, etc., to S in C, then S has a *prima*
>
> *facie* epistemic responsibility to employ virtuous listening strategies

Much as with **BENEFICENCE**, this principle does not address contexts in which agents lack the needed skills. Fortunately, in this case the stronger principle appears motivated already, given the epistemic benefits of rooting out blind spots and meta-resistance. That is, assuming a privileged individual lacking virtuous listening skills is aware that contexts involving **HI** might be opportunities to reap significant epistemic benefits in the form of identifying and overcoming epistemic blind

spots and meta-resistance, they have an epistemic responsibility to acquire those virtuous listening skills for use in similar future contexts.

Epistemic Aspect of HJ: Third Pass

One might worry requiring privileged listener awareness – in contexts exhibiting **HI** – of opportunities to overcome epistemic blind spots and meta-resistance, is too restrictive (Medina, 2013). Epistemic blind spots for our purposes arise when privileged individuals do not see certain evidence of the existence of marginalization as actually evidence of marginalization (Medina, 2013, pg. 66). Meta-resistance understood here amounts to privileged individual difficulties in recognizing they have blind spots (Medina, 2013, pg. 66-69). The worry is that the very nature of epistemic blind spots and meta-resistance makes such awareness difficult. This in turn might undermine any epistemic responsibility many privileged individuals might have to cultivate virtuous listening skills for use in relevant contexts. Du Bois appears to provide an example of the possibility of overcoming meta-resistance and recognizing epistemic blind spots, and examining this success sharpens the concern with respect to privileged individuals. Du Bois experienced harm resistant to readily available explanations, leading to recognition of an epistemic blind spot and adoption of an alternative perspective through which to understand his experience. But this success depended largely – it seemed – on failures to make sense of harmful experiences given dominant, readily available, cultural resources. In contrast, the white children in his environment likely felt no need to appeal to explanations for their experiences outside those readily available in dominant, prevalent, cultural norms at the time. This might suggest privileged individuals often will not recognize contexts exhibiting **HI** as opportunities to overcome epistemic blind spots, indeed perhaps due to those very blind spots. If so, **CHARITY** seems inapplicable to privileged individuals in such contexts.

At this point, many have suggested strategies and tactics for providing sufficient evidence to privileged individuals with epistemic blind spots exhibiting meta-resistance, e.g. (Medina, 2017a; 2017b) suggests we engage in hermeneutical friction and sometimes respond to micro-aggression with counter micro-aggression, (Lorde, 1981) suggests a plausible use of anger along similar lines, etc. These suggestions aside, it seems nevertheless plausible privileged individuals with such blind spots and meta-resistance have sufficient evidence of these epistemic problems to bear responsibility. Indeed, focusing on the evidence privileged individuals in, say, the present U.S., it is hard to see how most do not have sufficient evidence of blind spots and meta-resistance to recognizing them. Simply put, there is enough of a predictable pattern of marginalized individuals already exhibiting anger, claiming privileged individuals have blind spots and exhibit meta-resistance, and discussion of harms stemming from discrimination, throughout the history of this country to suggest the presence of both epistemic blind spots and meta-resistance among privilege individuals.[251] Moreover, it is a short step from recognition of the possibility of epistemic blind spots and meta-resistance concerning issues of marginalization, to recognizing opportunities to overcome these epistemic problems in discussion with marginalized individuals. This is all to say, one might worry **CHARITY** is too restrictive since application requires privileged individuals be aware of epistemic blind spots and meta-resistance, but it seems most privileged individuals in our present

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[251]Expressions implicit in this discussion such as "Sam recognizes an epistemic blind spot" are ambiguous between *de dicto* and *de re* recognition readings, i.e. "Sam is such that he recognizes an epistemic blind spot" vs "There is some epistemic blind spot such that Sam recognizes it." I have in mind here the former, de dicto recognition, reading.

society have ample evidence suggesting the presence of such epistemic problems, and so

CHARITY seems – as a matter of fact – applicable in such contexts.

Moreover, once this concern over constraints on **CHARITY** is removed, given the obvious

benefits one might acquire in overcoming epistemic blind spots and meta-resistance, it seems

plausible relevant individuals have an epistemic responsibility to learn skills that might assist in

overcoming such epistemic problems. Restricting attention to scenarios that might exhibit **HI**, the

following principle seems supported:

> **EPISTEMIC EDUCATION** For agents S, S', and contexts C: If S' is having
>
> trouble articulating an experience, argument,
>
> counterexample, etc., to S in C and S does not have
>
> critical reflective capacities or virtuous listening
>
> strategies to employ, then S has a *prima facie* epistemic
>
> responsibility to cultivate such virtues and capacities
>
> in the interest of employing them in when engaged
>
> with relevantly similar agents and contexts

As with the moral principles discussed earlier, we can understand the relationships among

SUSPEND, **CHARITY**, and **EPISTEMIC EDUCATION** in terms of context-sensitivity, where

the first provides a base epistemic responsibility sensitive to and so potentially magnified by

tradeoffs between evidence and counterevidence, as well as potential epistemic gains associated with

the context.

Combining Moral and Epistemic Aspects of HJ

With these epistemic principles, we seem close to what Fricker appears to have in mind by

suggesting **HJ** involves cultivation of virtuous listening strategies. Indeed, combining these

principles with **NON-MALEFEASANCE**, **BENEFICENCE**, and **MORAL EDUCATION**

provides an independently motivated explication of both the moral and epistemic aspects of **HJ**,

which offers a general explanation for judgments of moral and epistemic responsibilities we seem to

have in scenarios exhibiting **HI**. Privileged individuals in contexts exhibiting **HI** plausibly either bear

moral and epistemic responsibilities to employ strategies to aid marginalized speakers, or moral and

epistemic responsibilities to learn such strategies and cultivate associated virtues. Moreover,

appealing to such contextual features allows a clear distinction between moral and epistemic of

responsibility in relevant contexts. An avowed racist may recognize the epistemic benefits of helping

marginalized individuals render harmful experiences intelligible, since this may provide insights into

epistemic blind spots, meta-resistance, etc., but they may engage in this behavior in an effort to

sustain those blind spots, etc., in others. That is, they might develop and employ virtuous listening

strategies for immoral purposes. Such an individual would align with the above epistemic

responsibilities while failing to satisfy the moral responsibilities.

We turn next to resistance one might have in adopting these principles, replies, and two

applications which strengthen the case for adopting them.

Objections, Replies, and Proof of Concept

Much of the substantial responsibilities discussed thus far seem compatible with Fricker's characterization of **HJ**. That said, one might worry these principles may underwrite more substantial responsibilities than Fricker is inclined to attribute, given **HI** is understood to be largely a structural problem. I argue Fricker should adopt these principles in any event. In addition to offering a clear explanation of responsibility in various contexts and being independently motivated, these principles largely align with what little Fricker suggests concerning **HJ**, and potentially provide responses to criticisms that Fricker's characterization of **HJ** is too individualistic to address structural injustices like **HI**. Moreover, as proof of concept, I examine how these principles make sense of Fricker's commitment to sometimes significant institutional responsibilities, how individuals may bear substantial responsibilities to address injustices, and how marginalized individuals may not bear responsibilities to educate privileged interlocutors.

Resistance to Substantial Responsibility

Fricker should grant principles at least as strong as **SUSPEND** and **NON-MALFEASANCE** underwrite **HJ**, but also that in contexts exhibiting **HI**, these principles may be magnified and consequently may generate significant epistemic and moral responsibilities for privileged listeners exposed to communicative attempts by marginalized speakers. However, Fricker might protest adopting, say, some combination of **CHARITY**, **BENEFICENCE**, **EPISTEMIC EDUCATION**, and **MORAL EDUCATION** runs the risk of imposing too much responsibility on individuals who are perpetuating the structural injustice of **HI**, but who are not themselves obviously culpable. In addition to the reasons provided in the previous section, there are at least two further reasons for Fricker to adopt this proposal. First, Fricker provides conceptual space for great

responsibility in certain contexts,[252] by claiming agents might be morally/epistemically responsible for behaviors even if they are not blameworthy for those behaviors. An individual, for instance, who takes great precautions against implicit bias, whose behavior is nevertheless non-culpably influenced by such bias, upon realization of the subsequent harms stemming from the associated harmful behavior, is not blameworthy – Fricker urges - but is responsible for that behavior. Fricker suggests that regret the individual might feel, and later actions that individual might take to prevent engaging in similarly harmful behavior, are best described by recognition of responsibility, even absent blame. This suggests room for attributing perhaps significant responsibility in certain contexts, in accordance with principles stronger than **SUSPEND** and **NON-MALFEASANCE**, even absent blame.[253] For even epistemically innocent privileged individuals are often in positions of relative power when communicating with members of marginalized groups, and this is particularly true when the latter are struggling to render harmful experiences intelligible to the former. Whether they are or are not at epistemically or morally blameworthy is beside the point; plumbers fix leaks because they can, not because they cause the leak.

Second, **HJ** is meant to address **HI**, but as discussed in **Section 2**, the latter phenomenon is a symptom of an underlying disease, namely, **HM**. Absent some way of treating the disease, it seems likely the symptoms will continue to manifest. Fricker seems aware **HJ** should in some way address

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[252]I have in mind (Fricker, 2016)'s discussion of *agent-regret*.

[253]I take these principles to support (Fricker, 2016)'s claim that *epistemic agent-regret* may play a motivational role when, say, an epistemically blameless writing-sample assessor is motivated to change *future* behaviors having gained new evidence that previous complacency was harmful, i.e. new evidence her behaviors conflict with **BENEFICENCE** and **CHARITY**.

HM. She claims (Fricker, 2007, pgs. 154) with enough instances of **HJ** addressing instances of **HI**, even the underlying **HM** will be remedied. This proposal has been met with several criticisms (Dotson, 2011; Medina, 2013). Simply put, the problem is that **HM** is structural and resistant to change if limited to the cultivation of individual virtues underwritten by principles as minimal as **SUSPEND** and **NON-MALFEASANCE**; indeed, if Fricker's proposed remedy to **HI** is to treat more than merely the symptoms of the disease, then more substantial responsibility should be expected at the level of individuals.[254] The context-sensitive epistemic and moral principles defended here seem fitting in this respect, and to that extent should be accepted by Fricker as constitutive of **HJ**. The principles and responsibilities codified in them are broader than **HI**, and so may extend beyond **HJ** to address the underlying conditions.[255]

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[254]For example, Fricker's suggestion that localized virtues engender structural change has been criticized as misguided (Anderson, 2012), and her general theory of epistemic injustice accused of overlooking and perhaps perpetuating injustices worth addressing (Polhaus, 2012). Additionally, one might worry **HJ** is insufficient, practically speaking, to address **HI** given the substantial resistance privileged individuals exhibit when confronted with their ignorance. (Mills, 2007)'s careful study of "white ignorance" and (Medina, 2017)'s subsequent generalizations to "meta-resistance" and "meta-ignorance" provide grist for this mill. Borrowing (Nguyen, 2019)'s terminology, we might characterize privileged individuals as often inhabiting *echo chambers* rather than *echo bubbles*, the latter popped by simply adding new counter evidence.

[255]The force of this suggestion, of course, depends on whether and to what extent one can uncover moral and epistemic features of contexts sufficiently magnifying needed responsibilities to generate,

Proofs of Concept

Two further applications of the epistemic and moral principles I claim should be constitutive of **HJ** strengthen the case. Observe, Fricker (Fricker, 2012) is amenable to extensions of **HJ** in institutional contexts in which clinical psychologists treat patients, marginalized or otherwise. Specifically, Fricker includes under the purview of **HJ** agents inhabiting institutional roles carrying significant responsibilities comparable those codified in **CHARITY**, **BENEFICENCE**, **EPISTEMIC EDUCATION**, and **MORAL EDUCATION**, such as investing time to build trust, guiding patients towards understanding cognitive dissonance, and the importance of struggling to render harmful experiences intelligible to oneself. The fact that clinical psychologists willingly enter into these roles with the purpose of aiding others, coupled with Fricker's willingness to accept such agents may have substantial responsibilities to aid their clients, motivates accepting magnifications of the context-sensitive principles underwriting **HJ**, associated with institutional roles:

> **MORAL PROFESSIONAL** Agent S in role R in institutional context C has a *prima facie* moral responsibility to aid others through fulfillment of potentially substantial responsibilities associated with R when S can do so

And:

> **EPISTEMIC PROFESSIONAL** Agent S in role R in institutional context C – often therapeutic in nature - has a *prima facie* epistemic responsibility to actively address

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say, collective epistemic and moral responsibilities. I take this to be a natural next step of the analysis, but unfortunately do not have the space to engage in that extraction here.

>behavioral cues correlated with known signals of
>
>coping mechanisms observed in clients who may
>
>be disinclined to attempt to render harmful
>
>experiences intelligible

The moral harms prevented in relevant contexts seem sufficient to motivate **MORAL PROFESSIONAL** while the epistemic benefits (Beverley & Reischer, 2019; Reischer & Cowan, 2020) clinical therapists might acquire through such training and how those benefits align with occupational role goals, strongly suggest **EPISTEMIC PROFESSIONAL** applies as well. And with these principles in mind as targets, we might even extend responsibility outside of institutional roles to cases of mere **HM** in certain contexts.[256] For example, in **CASE 2** – which exhibited **HM** but not **HI** owing to the fact that Sally did not attempt to render her experiences intelligible to herself or others – we might expect **HJ** as a partial remedy.[257] And given the significant harm Sally experiences in this case, it seems plausible more than the rather limited **SUSPEND** and **NON-MALFEASANCE** would apply to clinical psychologists working with Sally. This is precisely what one should expect; for it is unclear how waiting to interpret a marginalized speaker charitably would be helpful if they are not inclined to speak at all. What seems needed is not just virtuous listening, but attention to behavior correlated with cognitive coping mechanisms, e.g. anxiety, inability to maintain long-term relationships, substance abuse, etc. Relatedly, institutional roles aside, it seems

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[256]For example, these principles would accommodate Medina's hermeneutical death with respect to treatment.

[257]I agree with Medina that fighting **HI** requires *hermeneutical resistance*, though he focuses largely on justification for deployment of insurrection strategies in cases of epistemic death.

plausible family and friends occupy roles sufficient to ground responsibilities more substantial than **CHARITY**, **EPISTEMIC EDUCATION**, **BENEFICENCE** and **MORAL EDUCATION**, but even if one is skeptical about attributing such significant responsibility to these individuals, they at least seem to bear a responsibility to direct Sally to experts better equipped to help. Moreover, I suspect they would implicitly acknowledge such responsibility to do so if, as seems a plausible thought, they ever wished they knew how they might help Sally.[258]

Consider next[259] an application of these moral and epistemic principles to marginalized individuals confronted with privileged individuals unable to understand marginalized experiences. This is a case of what Fricker calls *minimal*-**HI**, where the conceptual gap in the collective hermeneutical resources owes to speaker and listener operating with non-overlapping conceptual resources. Above, we focused on the perspective of privileged individuals to motivate epistemic and moral responsibilities. Of the former sort, we urged that privileged individuals had much to gain epistemically speaking, by engaging with marginalized individuals since this might uncover blind spots and meta-resistance. But we should take care not to venture into epistemic exploitation in such

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[258]These remarks concerning responsibilities associated with roles extend across important areas of social life. Physicians, for example, bear robust responsibilities when treating patients, overlapping those outlined in the preceding sections. Similarly, lawyers discharging various duties acquire extensive responsibilities to help others, as do police officers and members of the military. Each of these offices involves nuance worth exploring with respect to responsibilities, but what seems common to each is robust responsibility to help themselves and others. See (Monaghan, 2018) for a recent discussion of police duties to disobey unjust laws.

[259]Thanks to an anonymous reviewer at *Episteme* for suggesting discussion of epistemic exploitation.

scenarios (Bernstein, 2016). Marginalized listeners knowingly able to help privileged individuals render their own harmful experiences intelligible do not necessarily have a responsibility to do so. Specifically, if assisting in this manner makes marginalized listeners more vulnerable to exploitation, oppression, discrediting, etc., then the costs to provide aid seem too high to correctly claim a moral responsibility to provide that aid (Medina, 2013, pg. 116; Baldwin, 1979). In such contexts the tradeoff between benefits provided and costs to the provider seems paramount, and sufficient in many cases to override even the rarity of a given marginalized individual in a given conversation to educate a privileged individual. For marginalized individuals have much evidence that such assistance is often ineffective, underappreciated, and liable to generate harmful stereotypes, among other costs.[260] In short, to the question of whether marginalized individuals bear moral and epistemic responsibility to educate privileged individuals when given the opportunity, I say this largely depends on the costs associated with providing such education and the confidence providers have that offering such education will be effective. Moreover, it seems there are good reasons to think both of those conditions weigh against moral and epistemic responsibilities attaching to marginalized individuals in many such contexts. Hence, the context-sensitive moral and epistemic principles defended here seem insulated from charges of justifying epistemic exploitation. They also reveal, as should be obvious, the deep complexity of determining responsibility in such contexts.

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[260]Note, I do not claim the absence of responsibility in these cases stems from the fact that marginalized individuals are not at fault for the conditions they find themselves in. The contextual approach I have taken here finds responsibility independently of personal fault.

Conclusion

Having articulated necessary and sufficient conditions for **HI**, I argued Fricker's proposed remedy -
HJ - is best understood as constituted by context-sensitive principles that may generate significant
epistemic and moral responsibility. Generally, we should listen to and not harm others, but when
marginalized individuals are struggling to render experiences intelligible to privileged individuals, the
latter have more substantial responsibilities to help. I outlined various caveats concerning these
principles, reflecting both the complexity of judgments of moral and epistemic responsibility and
contexts in which we might find either. I then argued that though Fricker may balk at accepting
these principles and the sometimes substantial responsibility they codify, they provide much needed
content to **HJ**, have a clear explanation for the generation of responsibilities on contextual grounds,
are defensible independently of **HI** and so in that sense may even apply to address background
conditions against which the injustice arises, and appear to get the right results when examining
complicated scenarios such as responsibilities clinical psychologists bear towards clients as
occupants of institutional roles, and when considering whether marginalized individuals have
responsibilities to educate privileged individuals. I thus conclude Fricker has overwhelming reasons
to adopt the explication of **HJ** offered here.

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